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TWENTY-THIRD

ANNUAL REPORT

OF THE

Kentucky
Railroad Commission

OF

Kentucky,

FOR THE YEAR 1902.

Property of the State of Kentucky.

LOUISVILLE:
GEO. G. FETTER PRINTING CO.
1903.

JUN 27 1917

RAILROAD COMMISSION.

C. C. McCHORD, Chairman,

JOHN C. WOOD,

J. F. DEMPSEY.

MURRAY R. HUBBARD, Secretary.

RAILROAD COMMISSIONERS OF KENTUCKY.

HENRY D. McHENRY, August 2, 1878, Chairman.

LUCIUS DESHA, August 2, 1878.

W. H. PETTUS, August 2, 1878.

L. D. HOLLOWAY, August 2, 1878, Secretary.

J. FLETCHER JOHNSTON, Sept. 1, 1880, Chairman.

C. H. ROCHESTER, Sept. 1, 1880.

C. E. KINCAID, Sept. 1, 1880.

LANSING BURROWS, Sept. 1, 1880, Secretary.

D. HOWARD SMITH, 1882, Chairman.

WILLIS B. MACHEN, 1882.

WILLIAM M. BECKNER, 1882.

HENRY T. STANTON, 1882, Secretary.

J. P. THOMPSON, 1884, Chairman.

JOHN D. YOUNG, 1884.

A. R. BOONE, 1884. (Died January 27, 1886.)

I. A. SPAULDING, May, 1886. (Appointed to fill unexpired term of A.
R. Boone, deceased.)

CLARENCE EGBERT, 1884, Secretary.

I. A. SPAULDING, May, 1888, Chairman.

W. B. FLEMING, May, 1888.

JOHN F. HAGER, May, 1888. (Resigned.)

GEORGE M. ADAMS, 1891. (Appointed to fill unexpired term of John
F. Hager, resigned.)

WM. F. GRIFFITH, Secretary.

C. C. McCHORD, May 24, 1892, Chairman. (Resigned.)

UREY WOODSON, May 24, 1892.

CHARLES B. POYNTZ, May 24, 1892.

JAMES N. SAUNDERS, Nov. 2, 1895. (Appointed to fill unexpired term
of C. C. McChord, resigned.)

D. C. HARDIN, May 24, 1892, Secretary.

JOHN C. WOOD, December 10, 1895, Chairman.

H. S. IRWIN, December 10, 1895.

J. F. DEMPSEY, December 10, 1895.

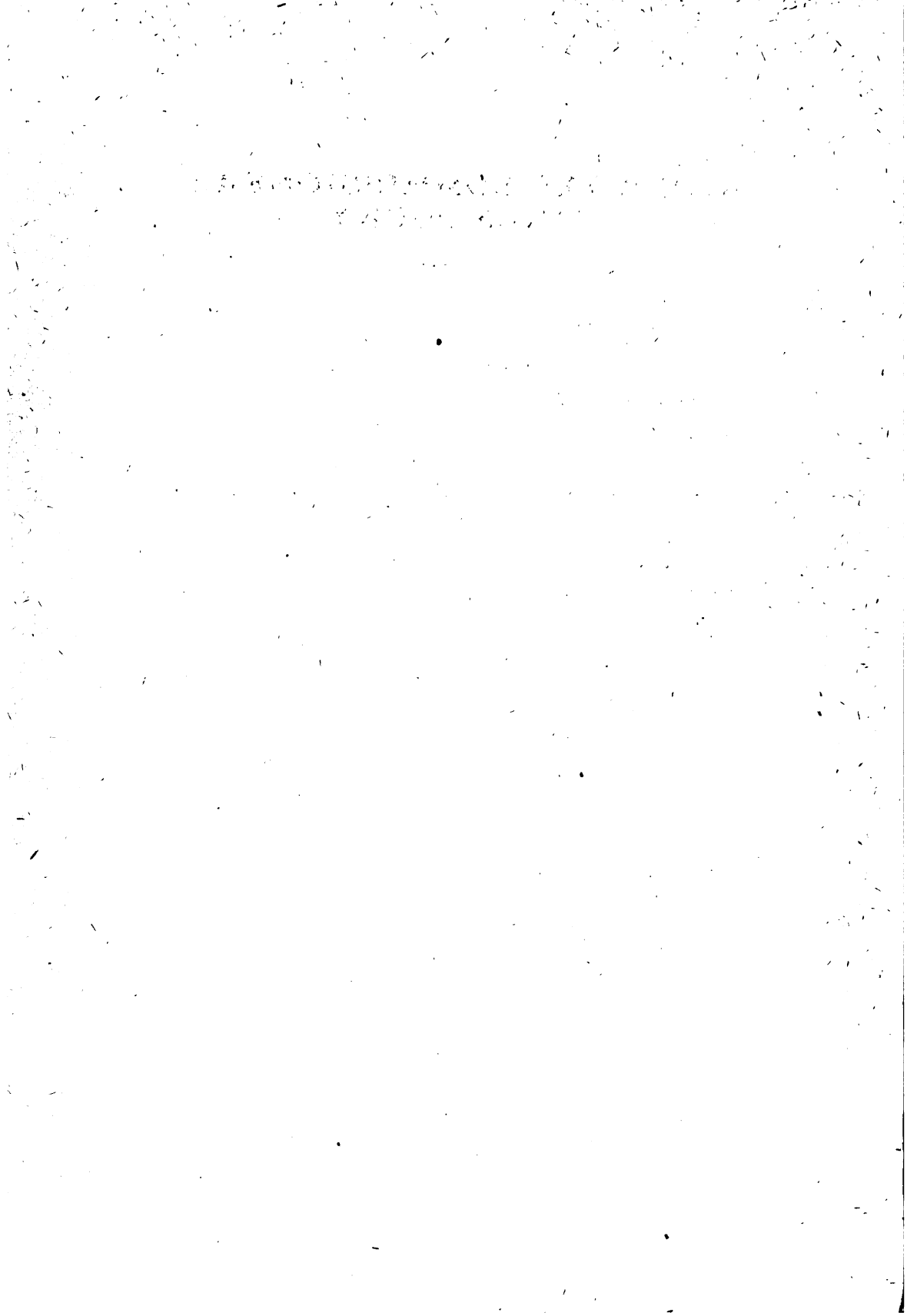
S. D. BROWN, December 10, 1895, Secretary.

C. C. McCHORD, December 12, 1900, Chairman.

JOHN C. WOOD, December 12, 1900.

J. F. DEMPSEY, December 12, 1900.

MURRAY R. HUBBARD, February, 1900, Secretary.



TWENTY-THIRD
ANNUAL REPORT
OF THE
RAILROAD COMMISSION.

OFFICE OF THE RAILROAD COMMISSION,
FRANKFORT, KY., DEC. 1, 1902.

*To His Excellency, J. C. W. BECKHAM,
Governor of Kentucky:*

Complying with the law, we submit herewith the twenty-third annual report of the Railroad Commission, embracing all work to this date, together with such statistical and other matters which we deem of interest touching the powers and duties of this office.

MILEAGE.

The total mileage of all railroads constructed and being operated at the end of the fiscal year, June 30, 1902, was 3,150 miles. In addition, there are other lines and extensions under construction in various parts of the State, notably in Eastern Kentucky, reaching many of the hitherto undeveloped coal, timber and oil regions, which will be completed and in operation before the expiration of the present fiscal year.

It is gratifying to be able to report that foreign and local capital is eagerly seeking to cover this field for investment and development, and that both are demonstrating their faith in the value of these properties by investing large sums of money; and many new lines of railroad are being built and old ones extended in order that these products may be transported to market.

EARNINGS OF RAILROADS.

All railroads in the State show a steady, healthy increase in earnings. The total gross receipts for the year ending June 30, 1902, was \$26,573,427; total operating expenses, \$18,052,390; total net earnings, \$8,521,037. The average gross receipts per mile were \$8,647; the average operating expenses per mile were \$5,874; the average net receipts per mile were \$2,773.

ASSESSMENT OF RAILROAD PROPERTY.

The total valuation for purposes of taxation of the tangible property of all railroads in the State has been fixed by this board at \$51,944,384, and was certified to the Auditor of Public Accounts on the first day of December, 1902. This assessment shows an increase over last year in the valuation of mileage, but a slight decrease in the valuation of depots and other real estate. This decrease is occasioned by the sale of a greater portion of its real estate by the Ashland Coal and Iron Railway Co. to the Ashland Iron & Mining Company of property which was formerly assessed by this board at Four Hundred and Forty-five Thousand Dollars (\$445,000), but which is now assessed by the local assessor of the county where situated, and will not hereafter appear in the assessment made by this board.

PHYSICAL CONDITION OF RAILROADS.

A wise policy is being pursued generally by the various railroads in the expenditure of large sums of money where necessary in bettering the physical condition of the properties and in the matter of equipment. Many new engines and cars have been purchased, yet it can hardly be said that in this latter regard the railroads have kept pace with the great increase in the volume of business, which has steadily grown from year to year, and which promises to continue.

FREIGHT TRAFFIC MOVEMENT IN KENTUCKY

FOR YEAR ENDING JUNE 30, 1902.

COMPANY.	Products of Agriculture...	Products of Animals	Products of Mines	Products of Forest	Manufactures	Merchandise	Total Tonnage in Kentucky	Average Receipts per Ton per Mile
Cincinnati, New Orleans & Texas Pacific Ry..	(1) 213,437	(1) 34,270	(1) 596,942	(1) 480,759	(1) 693,460	(1) 20,388	2,048,912	.00707
Chesapeake & Nashville Ry.	(2) 2,106	(2) 2,118	(2) 1,198	(2) 45,498	(2) 1,476	(2) 2,239	54,820	.08679
Chesapeake & Ohio Ry.—								
Elizabethtown, Lexington & Big Sandy R. R.	155,995	14,130	344,910	171,376	80,186	149,243	915,840	.00617
Kentucky & South Atlantic R. R.	868	867	20,274	20,274	164	1,218	23,381	.02171
Kinniconnick & Freestone R. R.	204	3,016	33,795	33,795	429	429	37,444	.01863
Maysville & Big Sandy R. R.	459,196	63,888	1,471,453	337,106	199,296	385,064	3,087,397	.00364
Ohio & Big Sandy R. R.	2,642	994	35,770	88,858	3,648	16,221	149,123	.01185
Eastern Kentucky Ry.	2,287	1,274	48,367	26,181	1,213	1,641	80,973	.03326
Frankfort & Cincinnati Ry.	24,367	2,029	38,295	14,317	3,449	10,102	92,559	.03181
Illinois Central R. R.	(3) 1,556,688	(3) 207,736	(3) 1,601,307	(3) 1,883,060	(3) 859,337	(3) 987,738	6,925,811	.00616
Lexington & Eastern Ry.	8,998	1,255	43,406	198,482	6,864	7,041	261,046	.02218
Louisville & Atlantic R. R.	19,138	3,128	47,580	76,840	1,660	588	143,984	.02621
Louisville & Nashville R. R.	741,055	193,656	2,196,946	486,330	621,574	626,684	4,865,235	.00744
Nashville, Chattanooga & St. Louis Ry.	44,014	4,566	51,764	29,765	18,190	23,410	171,699	.00390
Southern Ry. in Ky.	256,773	37,346	369,129	115,070	211,569	205,406	1,195,293	.00982

(1) 59 per cent. in Kentucky.

(2) 26 per cent. in Kentucky.

(3) 41 per cent. in Kentucky.

COMPLAINTS.

After final orders were entered in the Federal Circuit Court at Louisville and Covington, Kentucky, in March, 1902, in conformity with the opinion and mandate of the Supreme Court of the United States, upholding the constitutionality of the act of March 10, 1900, and dismissing the orders of injunction granted by Judge Evans in July, 1900, this commission at once began the investigation of the large number of complaints that had accumulated during the time this injunction was in force. In order that these complaints might be handled intelligently, it was necessary that complete files of all tariffs upon each railroad in the State should be obtained and conveniently arranged in our office for ready reference and permanent use. This required much time and labor. We were pleased to find that the representatives of the railroads were entirely willing and did aid us in this work. Our files are now fast approaching completion, and in a short while we hope to have as complete a filing system as may be found in the offices of all the railroads of the State.

There are, we believe, about 2,600 commodities that are rated and classified by each railroad. There are more than 1,000 shipping points in the State. Each railroad has its own tariffs and it is our purpose to keep the tariffs of each on file in our office, together with all amendments and reissues as they are adopted from time to time, and keep ourselves as fully advised in regard to rates as may be possible for us to do with our limited clerical force. It will be readily seen that there is much work before us, as stated in our last annual report: "We are not unmindful of the vast amount of additional work the enforcement of this law carries with it; nor are we unmindful of the additional responsibilities which we must now assume." While it may be said that we have but fairly begun the task that is before us, we have been constantly at work and shall so continue, and feel that much good has already been accomplished in the matter of hearing, investigating and determining complaints, as appears from a synopsis of the cases and steps taken, hereinafter enumerated.

On account of the large number of complaints which had accumulated while we were enjoined, and that have been filed since, we have been forced to devote our attention to these, and have

not, as yet, had the time to take up the tariffs as a whole on our own motion with the view of investigating and advising ourselves in regard to all rates over the entire State upon all lines; but our experience thus far has demonstrated that this must be done, in view of the fact that the complaints now in the office are so varied and affect so many interests and so many sections of the State. It is our purpose to proceed cautiously and as directed by the law, in order that litigation may be avoided if possible.

It is a task that will take many months of constant labor, study and investigation. The circumstances and conditions surrounding the various localities, railroads, shippers and industries throughout the State, the relative rights and duties of each, and various other matters must be taken into consideration in adjusting these rates. It is not our purpose to cease investigating and determining individual complaints as they come to us, and as we have done in the past, but we feel that the time has come and that we have made sufficient progress to enable us to at least begin the task we have mapped out.

CONSOLIDATION OF RAILROADS.

Referring to the following correspondence with your Excellency, to-wit:

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT,
FRANKFORT, August 26, 1902. }

Hon. C. C. McChord,

Chairman Railroad Commission, Frankfort, Ky.

Dear Sir: I respectfully direct the attention of your board to section 201 of the Constitution of Kentucky, which reads as follows:

"No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or common carrier combine or make any contract with the owners of any vessel

that leaves or makes any port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying."

And, also, to the case of the L. & N. R. R. Co. vs. Kentucky, in the 161st U. S. Reports, in which the Supreme Court of the United States upholds the validity of this section of the Constitution and affirms the judgment of our State courts in prohibiting the consolidation of the L. & N. R. R. Co. with the C., O. & S. W. R. R. Co., two competing lines operating in the State.

Now, by reason of the frequent and persistent rumors in the press and elsewhere, that certain interests or corporations are seeking to accomplish the merger or consolidation of various competing and parallel railroad lines in the State of Kentucky contrary to the provision of the Constitution, I request that the Board of Railroad Commission, of which you are the chairman, proceed to make such investigation as may be necessary to ascertain whether or not this is true, so that proper steps may be taken by us to prevent the consummation of any attempt to violate this provision of our laws.

I shall be glad to co-operate in every way possible with your board in seeing that this law is rigidly enforced.

Very respectfully,

J. C. W. BECKHAM,
Governor of Kentucky.

OFFICE OF THE RAILROAD COMMISSION. }
FRANKFORT, Ky., August 26, 1902. }

Hon. J. C. W. Beckham,
Governor of Kentucky,
Frankfort, Ky.

Dear Sir: I beg to acknowledge receipt of your communication, of even date herewith, in which you request the co-operation of the Railroad Commission in making an investigation for the purpose of taking such steps as will prevent the consolidation of certain parallel and competing railroad lines in Kentucky.

My associates, Commissioners J. F. Dempsey and John C. Wood, are now absent from the city. However, in view of the fact that this subject has lately been discussed by the commission, and

being cognizant of their views, I feel authorized to state for the commission that this matter will be taken up at once, a thorough investigation made and a report made to you at the earliest possible date.

The commissioners are fully aware of the great importance of this undertaking, and beg to assure you that it will afford us great pleasure to render you such assistance as may be in our power.

Very respectfully yours,

C. C. M'CHORD, Chairman.

Considerable time has been consumed in the effort to ascertain the facts in regard to this matter. Officials of railroads affected by the proposed consolidation were summoned before us and examined under oath; we also sought information from other sources with the result that we obtained sufficient data upon which to base the allegations contained in the petition which we have filed before the Interstate Commerce Commission, to which we direct your attention, and which is to be found in appendix "B" of this report, also the answers of the several railroad corporations proceeded against. A meeting of the Interstate Commerce Commission will be held, probably during the month of January, 1903, and all parties connected with the transaction will be examined under oath; after which we shall submit to you a full report, with such suggestions and recommendations as may be deemed proper and necessary.

The importance of this matter can not be overestimated as regards the rights and interests of the public. Railway rates are a tax upon commerce, affecting the cost of commodities just as the tariff is a tax upon imports, which, in effect, adds to the price of the domestic as well as the imported article; and just as there is a trust or monopoly now existing in almost every article used by the people, so this railway trust is being formed akin to, and as part of, the great, overshadowing railway and steamship monopoly, all to be controlled by the same interests, and, if consummated, will effectually control every available avenue of transportation, and will be the most stupendous and uncontrollable monopoly the world has ever known. It will take unmeasured toll from every article of foreign and domestic com-

merce, and will rule with dominant force for good, or ill, as it may choose, every industry and enterprise throughout the land.

Railway and steamship consolidations, involving billions of dollars, are being accomplished with even greater ease than attends the task of "matching a pair of carriage horses," for the latter involves the element of similarity and the expenditure of money, while railways may be merged, if plans now under way can be consummated, by some sort of legerdemain in shuffling, increasing and exchanging stock for stock, with a take-out to the holders of a majority of the stock and to promoters of the scheme, to whom profits are given by the issue of additional stock and bonds. A relative increase in freight rates naturally follows, and the shipper and producer foots the bill at last.

This is the situation and inevitable result as we now see it. We hope, in a very short while, to be able to submit all the facts for your information, in order that such further action as you may deem proper may be taken in the premises.

In appendix "A" will be found a synopsis of the orders, rulings and work of the commission in regard to complaints, rates, etc., together with a list of the newly-inaugurated companies.

Appendix "B" contains proceedings before the Interstate Commerce Commission in various matters; and Appendix "C," the principle laws of Kentucky defining the duties and powers of the board.

All of which is respectfully submitted.

C. C. McCHORD,
J. F. DEMPSEY,
JOHN C. WOOD,
Commissioners.

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Appendix "A"

COMPLAINTS,
ORDERS, STEPS AND RULINGS.
OF THE
COMMISSION
FROM APRIL TO DECEMBER 1, 1902.

Complaints and Steps.

Citizens of Lebanon and Marion County, complainants, vs. the Louisville and Nashville Railroad, defendant.—Subject: Extortionate Coal Rates.—Pending this complaint the company reduced its rates complained of on coal to Lebanon from all mines upon its Knoxville and Cumberland Valley branches, which mines are designated groups Nos. 1, 2, 3 and 4. The following shows the old and new rates in dollars and cents per ton, viz.:

	Groups			
	1.	2.	3.	4.
Former rate	\$1 85	\$1 65	\$1 60	\$1 60
Present rate	1 40	1 20	1 15	1 10

In the judgment of the commission, the reduction so made is reasonable and just. The rate is, therefore, approved, and this complaint as to rate on coal is dismissed, settled.

Thompson & Lake, complainants, vs. the Louisville and Nashville Railroad, defendant.—Subject: Extortionate Coal Rates.—Pending this complaint, the Louisville and Nashville Railroad Company reduced its rates complained of on coal to Springfield from all mines upon its Knoxville and Cumberland Valley branches, which mines are designated groups Nos. 1, 2, 3 and 4. The following shows the old and new rates in dollars and cents per ton, viz.:

	Groups			
	1.	2.	3.	4.
Former rate	\$2 30	\$2 10	\$2 05	\$2 00
Present rate	1 50	1 30	1 25	1 20

It appearing to the commission that the reduction so made is just and reasonable, said present rate is approved, and this complaint as to rates on coal is dismissed, settled.

A. Brooks, complainant, vs. Louisville and Nashville Railroad Company, defendant.—Subject: Extortionate Rate on Coal from Earlinton to Robards.—Complaint investigated and rate reduced from ninety cents per ton to fifty cents per ton, and the reduced rate being a just and reasonable rate, in the opinion of the commission, complaint was dismissed, settled.

Citizens of Shelby County, complainants, vs. Chesapeake and Ohio Railway and Louisville and Nashville Railroad, defendant.—Subject: Failure to Furnish Local Trains between Shelbyville and Christiansburg.—Finding for complainants; written opinion rendered and filed in Shelby Circuit Court; suit filed by complainants seeking mandatory injunction to require the companies to furnish the accommodation, now pending in said court.

H. Clay McKee, etc., complainants, vs. Chesapeake and Ohio Railway, defendant.—Subject: Overcharge on Coal.—Company notified; complaint adjusted; overcharge refunded, and dismissed, settled.

O. H. Thomas, complainant, vs. Southern Railway in Kentucky, defendant.—Subject: Overcharge on Tobacco.—Company notified; overcharge refunded; complaint adjusted and dismissed, settled.

W. H. Castner, complainant, vs. A., C. and I. Railway, defendant.—Subject: Extortionate Rates.—Company notified; new tariff reducing rates adopted, and complaint dismissed, settled.

Newport Lumber Company, complainant, vs. Chesapeake and Ohio Railway, defendant.—Subject: Extortionate and Discriminating Switching Charges.—Complaint investigated; company reduced rates; dismissed, settled, on motion of complainant.

J. H. Pettus, complainant, vs. Louisville and Nashville Railroad, defendant.—Subject: Extortionate Rate on Cement.—Company reduced rate from twenty-four cents to twelve cents per 100 pounds before investigation.

Theo. Curry, complainant, vs. Louisville and Nashville Railroad, defendant.—Subject: Extortionate Rate on Millet, Nashville to

Lancaster.—Complaint investigated; found to be an overcharge of fifteen cents per 100 pounds; excess of rate refunded, and complaint dismissed.

Johnson Lumber Company, complainant, vs. Louisville and Nashville Railroad, defendant.—Subject: Extortionate Rate on Lumber from Southern Territory to Sparta, Ky.—Complaint investigated; company granted Cincinnati rate of twenty-two cents per 100 pounds, in lieu of twenty-seven-cent rate heretofore charged, and complaint dismissed, settled.

C. C. Younger, complainant, vs. Louisville, Henderson and St. Louis Railway, defendant.—Subject: Failure to Furnish Cars.—Complaint investigated and found not well taken, and dismissed.

Citizens of Hill Spring, complainants, vs. Louisville and Nashville Railroad, defendant.—Subject: Abandonment of Station.—Commission made investigation and inspected station; the company reconsidered its determination to abandon, and the station is retained.

Citizens of Burnside, complainants, vs. Cincinnati, New Orleans and Texas Pacific Railway, defendant.—Insufficient Depot Accommodations.—Complaint investigated; company notified; admitted that the complaint was well taken, and ordered additions to depot made.

Georgetown and Lexington Traction Company, complainant, vs. Cincinnati, New Orleans and Texas Pacific Railway, defendant.—Petition for Approval of Crossing.—Petition investigated; parties heard, and overhead crossing approved.

Georgetown and Lexington Traction Company, complainant, vs. Southern Railroad, defendant.—Petition for Approval of Grade Crossing.—Crossing inspected and approved.

J. O. Dixon, complainant, vs. Louisville and Nashville Railroad and Illinois Central Railroad, defendants.—Subject: Overcharge on Live Stock.—Complaint investigated; overcharge refunded, and complaint dismissed, settled.

CENTRAL STOCK YARDS Co. *et al.* Complainants,
vs. { OPINION OF THE COMMISSION.
LOUISVILLE & NASHVILLE RAILROAD COMPANY, . . Defendant.

This complaint was filed January 17, 1902, by the Central Stock Yards Company and twelve others, complainants, shippers and dealers in live stock in the States of Kentucky, Tennessee and elsewhere.

The complainant, Central Stock Yards Company, has, within the past year, established a large, expensive and modern stock-yards plant for the safe handling, caring-for and having sales made of live stock, which plant is situated in Jefferson county, and just east of the city limits of Louisville, Kentucky, and doing business thereat are a number of commission firms who are co-complainants herein; also a number of dealers in live stock in and out of Kentucky.

It is admitted that the Central Stock Yards Company is located on the line of the Southern Railway Company in Kentucky, and in Jefferson county, just outside the city of Louisville, and at a regularly established station on said line of the Southern Railway Company, known as Central Stock Yards, Kentucky.

It is admitted that just prior to the opening of complainant, Central Stock Yards Company's plant, the Southern Railway Company in Kentucky, through its proper officers, gave notice to all connecting common carriers, including the defendant, Louisville & Nashville Railroad Company, that it, the Southern Railway Company, had made the complainant, Central Stock Yards Company, its live-stock depot, and that from and after November 1, 1901, it, Southern Railway Company, would receive from all connecting common carriers, including defendant, at any and all points of physical connection between the tracks of said Southern Railway and such connecting carrier, all live stock tendered for delivery to any person at Central Stock Yards, Kentucky, and would

from such point of connection be responsible for such delivery and the collection of all charges on such traffic in the usual way.

It is admitted that the Bourbon Stock Yards Company is the live-stock depot in Louisville of the Louisville & Nashville Railroad Company, and it appears from the fourth clause of the contract creating same such that the parties (Louisville & Nashville Railroad Company and Bourbon Stock Yards Company) agreed as follows:

"4th. The first party agrees that it will not lease, rent or sell any of its ground in the city of Louisville for the establishment of a stock yard, or otherwise facilitate the establishment of a stock depot in the said city, and that it will deliver and cause to be delivered to the second party, so far as it legally may, all live stock shipped over the roads of the first party and consigned to the city of Louisville, and should any live stock be shipped to other person or persons in said city, the first party hereby makes and agrees to make the stock yards of the second party the stock depot of the first party for said city, and agrees to unload all live stock shipped to said city at the yards of the second party, but if the provisions of this section of this contract be abrogated or invalidated by judgment of any court or by legislative requirement, then the second party shall have no claim to damages arising out of or dependent on said provision, and the second party shall, at its own cost and expense defend any and all litigation which may arise out of the provisions of this section, and will hold the first party entirely harmless therefrom."

For convenience, we shall hereinafter call the Central Stock Yards Company the "Central Company;" the Louisville & Nashville Railroad Company the "L. & N. Co.;" the Southern Railway Company in Kentucky the "Southern Company," and the Bourbon Stock Yards Company the "Bourbon Company."

The Bourbon Company's plant is situated in the eastern part of Louisville, exclusively on the line of the L. & N. Co., and about four miles from the Central Company's plant. It is admitted that the Bourbon Company is a non-competitive point on the line of the L. & N. Co., and that the Central Company is a non-competitive point on the line of the Southern Company, and within a few hundred feet of the general break-up yards of the L. & N. Co., where practically all freight is stopped and distributed by switch engines to the various depots and sidings on the lines of railways in the city of Louisville and vicinity, as destined. It

is admitted that between the tracks of the L. & N. Co. and Southern Company there are three points of physical connection in Louisville, Ky., at which points traffic of all kinds in bulk is being daily interchanged from the one road to the other, but the most practical point at which the interchange is being made is at what is known as the Seventh and Magnolia streets connection, which is confessedly nearer the plant of the Central Company than the Bourbon Company.

It is also admitted that for a number of years it has been the policy of the L. & N. Co. to refuse to receive or switch live stock or other freight to points on its line in or near Louisville where same came from competitive points within or without the State of Kentucky. It further appears as an admitted fact that the L. & N. Co. instructed all of its agents to refuse to receive, bill, transport or connect for shipment of live stock for delivery to the Central Company or to any person at Central Stock Yards, Ky., or for delivery in Louisville, Ky., to the Southern Company to be delivered to said station on its line, and continued so to act until the issuance of mandatory orders of injunction by the Jefferson and Franklin circuit courts, requiring that it should at all of its established stations receive, bill, transport, transfer, switch and deliver live stock offered for consignment to the Central Company at Central Stock Yards, Ky., or any person thereat. Since the issuance of the mandatory process aforesaid, the L. & N. Co. has received, billed, transported, transferred and switched to the Southern Company all live stock consigned in Kentucky to the Central Company and persons doing business thereat, but refuses all interstate shipments tendered for the Central Company or any person at Central Stock Yards, Ky., and refuses to receive from the Southern Company any live stock originating in its shipment from Central Stock Yards, Ky., and destined to any person, corporation or firm on its (L. & N. Co.'s) lines in Louisville, Ky., and this refusal is in the face of the admitted fact that the L. & N. Co. as to all other live stock or freight coming from or going to any other non-competitive point on the line of the Southern Company than Central Stock Yards, Ky., it freely receives, switches and makes prompt delivery thereof to the consignee or connecting carrier accordingly as ordered.

It appears from the foregoing statements that the material facts are admitted, and that the only controversy grows out of an application of the law to such facts.

It is contended by complainants that under the Constitution and laws of Kentucky, and particularly sections 213 to 217 of the State Constitution, it is the duty of all railroad companies doing business in Kentucky to receive, transfer, transport, switch and deliver with equal promptness and dispatch, and without discrimination, all freight in carloads or less quantities coming to or going from one railroad to another, and that as to interstate commerce it is the duty of all railroad companies to treat all the public alike, and by act of Congress it is unlawful for any common carrier to give any unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular description of traffic.

For the defendant, L. & N. Co., it is admitted that the points of physical connection between its tracks and those of the Southern Company are as alleged, and that it can and does make interchange of traffic at such points daily with the Southern Company, but that such interchange of live stock traffic as demanded by complainants would necessitate possibly the employment of an additional engine and crew, and require of it the services of a mere transfer company, and turn over its terminal facilities to the use of connecting roads.

Sections 213 to 217 of the Constitution of the State of Kentucky read as follows:

"Sec. 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in carloads or less quantities coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

"Sec. 214. No railway, transfer, belt line or railway bridge com-

pany shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

"Sec. 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

"Sec. 216. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

"Sec. 217. Any person, association or corporation wilfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense, shall thereupon, *ipso facto*, forfeit its franchises, privileges or charter rights, and if such delinquent be a foreign corporation, it shall, *ipso facto*, forfeit its right to do business in this State; and the Attorney General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections."

The third section of the Interstate Commerce Act of the Congress of the United States, in aid of which the State constitutional provisions aforesaid were enacted as to interstate commerce, reads as follows:

"Sec. 3. That it shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

We have carefully read and fully considered the arguments

and briefs on the matter under consideration, and conclude that defendant, L. & N. Co., has violated the Constitution of the State of Kentucky and requirements of the Interstate Commerce Act affecting common carriers.

It is contended that the L. & N. Co. had established the Bourbon Company as its live stock depot on its lines in Louisville, Ky., and is not required at law to have more than one live stock depot or make delivery elsewhere in a city than at its live stock depot, and therefore, can not be required to make delivery at Central Stock Yards, Ky. This contention is based upon the cases of Covington Stock Yards v. Keith, 139 U. S., 128, and Butchers' & Drovers' Stock Yards v. L. & N. Co., 67 Fed. Rep., 35.

It must be remembered, however, that complainants are not asking for delivery by the L. & N. Co. to Central Stock Yards, Ky., or any person thereat, but is insisting that delivery shall be made to the Southern Company, a connecting carrier, for delivery by it at Central Stock Yards, Ky., accordingly as demanded by the owners, consignors and consignees of live stock, and required by the Constitution of the State.

From the evidence it appears that all other railroads or common carriers than the L. & N. Co. entering the city of Louisville, freely receive, bill, transport, switch and deliver to the Southern Company all traffic consigned to Central Stock Yards, Ky.

It will be readily seen that the cases cited by defendant are only applicable to deliveries at points within a city and upon the tracks or sidings of the particular road having a live stock depot in said city, and can not apply where the delivery is at a point on a connecting line having a physical connection with such road, in which case, in the interest of the general public and in aid of commerce, our Constitution has imposed obligations so direct and explicit as to make it unnecessary for comment.

We are of the opinion that the requirements of common carriers as contained within sections 213 to 217 of our State Constitution, in no manner unreasonably interfere with interstate commerce, but are in aid of commerce, and are such police regulations as the State was fully authorized to enact.

We conclude that it is also equally true, under the Constitution, that a common carrier must receive for delivery as billed from a connecting carrier as well as to deliver to common carrier for delivery as consignor.

We base our conclusions upon the following authorities, among

others: Present Constitution of Kentucky, secs. 213 to 217; A., T. & S. F. R. R. Co. v. D. & N. O. R. R. Co., 110 U. S., 667; Lake Shore & S. R. R. Co. v. Ohio, 173 U. S., 285; Western Union Tel. Co. v. James, 162 U. S., 650, and Wisconsin, &c., R. R. Co. v. Jacobson, 179 U. S., 195.

We are charged with the duty of seeing that all railroads (excepting street) faithfully comply with the Constitution and laws of this State governing them, and further, when it comes to our knowledge or we have reason to believe that the laws affecting railroad corporations and their business relations to the public have been violated, it is made our duty to prosecute or cause to be prosecuted such railroad company.

It is apparent from the testimony, and practically an admitted fact that many manufacturing enterprises and packing establishments are located upon the terminals and lines of the L. & N. Co. within and near the city of Louisville, and that the parties owning and operating the same can only get products to and from their plants over the lines of said L. & N. Co.

The Constitution and laws have made it the plain duty of common carriers to treat all the public upon absolute equality, and it is not within the power of the common carrier to foster one enterprise or depress another.

We are wholly unable to find in equity, the Constitution or laws anything that can justify a common carrier in disregarding a plain duty to the public in the performance of switching duties imposed upon it by plain provisions of law. Whether or not the switching duties so imposed by law comprise the switching of shipments delivered to it by connecting common carriers and originating from competitive points can not affect such duty. If such was the meaning of the law, the encouragement of monopolies could only have been its purpose.

All of the authorities are to the effect that there are many occasions where the police powers of the State can be properly exercised to insure a faithful and prompt performance of duty within the limits of the State upon the part of those who are engaged in interstate commerce, and we are of opinion that a State switching regulation from one point within the State to another point within the State is within the police powers of the State, and can not in any manner be said to be an unreasonable interference with interstate commerce.

After a full consideration, we are unable to find, either in the

law or the equity of the case stated, any justification of the conduct of the L. & N. Co. herein, and we conclude that it is our duty to take action in this matter, but that in order that exact justice may be done to all parties we think it proper that while we are considering interstate shipments we refer the interstate phases of the case to the Interstate Commerce Commission, and have done so.

As to intra-State shipments, it is not deemed necessary by the Railroad Commission to make a final order or recommendation at this time, and as to such shipments this complaint is held open for such further orders as may hereafter appear to be advisable.

Upon the trial of this complaint, it was earnestly argued that it is better for the shipper and all parties concerned that but one stock yard be maintained in the city of Louisville. The following letter recently received from the manager of the Central Stock Yards Co. shows the advantages claimed by reason of competition in this business:

Louisville, December 6, 1902.

Hon. C. C. McChord,

Chairman R. R. Commission, Springfield.

Dear Sir: The advantages the Central Stock Yards Company has been able to secure and offer the live stock shippers to this market are as follows: Shippers on the Southern Railway in Kentucky are given the Louisville-proper rates to Central Stock Yards, Ky., saving them a terminal charge of \$2.00 per car. On the St. Louis division of the Southern Railway the same terminal charge was saved, in addition to which a reduction in rates on cattle 1 to 3 cents, hogs 1½ to 3 cents, sheep 1½ to 3½ cents per hundred pounds was made in order to place our market on an equitable basis. Rates from all stations on the Illinois Central Railroad were reduced \$2.00 per car on all classes of live stock. On all live stock from or to the L., H. & St. L., P., C., C. & St. L., C., I. & L., B. & O. S.-W., C., C., C. & St. L. and C. & O. railroads rates were reduced \$1.00 per car on account of the terminal charges being reduced \$1.00 per car.

The terminal service is greatly improved, the competition demanding it. We hear few complaints from shippers to either yards now, but prior to this the delays were serious and very damaging, in many instances, to shippers from all roads entering Louisville.

Charges for yardage and weighing—

	Old rate.	New rate.	Equal to reduction of
Cattle	20c per head	10c per head	\$3.00 per car
Calves	10c per head	5c per head	
Hogs	7c per head	4c per head	\$3.00 per car
Sheep and Lambs.	5c per head	3c per head	\$5.00 per car

Commissions for selling cattle: Old rate, 75 cents per head; maximum of \$18.00 per car. New rate, 50 cents per head; maximum of \$12.00 per car. Saving, \$6.00 per car. All told, making a saving to shippers of from \$10 to \$15 per car.

The Southern Railway makes deliveries from or to all lines entering Louisville, without discrimination as to point of origin or destination, thereby causing sharp competition between the lines for business both ways—something that has never existed prior to the inauguration of the Central Stock Yards.

Taking these many advantages into consideration, with proper support from the shippers, they being permitted to serve their best interests, we can make this one of the largest and best markets in the country.

Yours truly,

R. C. WATKINS,
Traffic Manager.

Commercial Club of Hopkinsville, Kentucky, complainant, vs. The Louisville & Nashville and Illinois Central Railroad Companies, defendants.—Subject: Extortionate Rates on Coal.—The following correspondence shows the steps thus far taken in regard to this complaint, except that Commissioner J. F. Dempsey immediately upon receipt of this complaint visited the city of Hopkinsville and conferred with complainants in regard to the matter complained of. The correspondence referred to is as follows:

Springfield, Ky., August 9, 1902.

Mr. H. H. Abernathy,

Secy. Commercial Club, Hopkinsville, Ky.

My Dear Sir: Your letter of the 1st inst., in which you advised that the Commercial Club of Hopkinsville desired the Railroad Commission to come to your city and make an investigation as to

freight rates there, has been received. You will recall that the Railroad Commission has been tied up until recently by injunction of the Federal Court. The injunction has been dissolved, and for something over three months we have been busily engaged with the investigation and adjustments of a large number of complaints which had accumulated during the two years in which the injunction was in force. A great many new complaints have since been filed, consequently we have been and are still very much crowded with this character of work, so much so that we have been compelled to divide the work up, each commissioner taking a certain portion of it and making the investigation for the entire board. I have therefore referred your complaint to Commissioner J. F. Dempsey, who will at the earliest practicable moment visit your city and take this matter up with you. If I can find it possible to do so, I will come down with Judge Dempsey.

Yours very truly,

C. C. M'CHORD, Chairman.

Springfield, Ky., October 7, 1902.

Hon. R. E. Cooper, President Hopkinsville Commercial Club,
Hopkinsville, Kentucky.

Dear Sir: Referring to the complaint filed by your club some time ago in regard to coal rates, and to the subsequent steps taken by Judge Dempsey, to whom this matter was referred, I beg to advise that on September 30th I received a letter from Mr. T. B. Harrison, Jr., Assistant District Attorney, L. & N. Railroad, who informs me that he had but recently held a conference with you and other members of your club, and that by agreement a committee had been appointed to confer with the L. & N. and I. C. railroads with a view of ascertaining whether or not an amicable adjustment of these rates could be made without the intervention of the Railroad Commission. I shall be very glad if you will write me at Springfield, Ky., advising whether it is the desire of your club to have the commission proceed with this investigation, or whether it is the agreement that your committee shall take it in hand for the purpose indicated.

Yours very truly,

C. C. M'CHORD, Chairman.

Hopkinsville, Ky., Oct. 20, 1902.

Hon. C. C. McChord,
Chairman R. R. Commissioners, Kentucky,
Springfield, Ky.

Dear Sir: Your favor received and contents noted. The L. & N. people asked us to a conference with them and the I. C. people, at Louisville, and so far have not fixed a date for the conference, so we wrote them to-day asking them to fix the time.

When we agreed to meet them, we wrote to Judge Dempsey and asked him if it would interfere with our action that we had taken with the R. R. Commissioners, and he informed us that it was the policy of the commission to have the matters settled by the parties and the railroad when they could, but if the matter was not settled to our satisfaction, the commissioners would take it up where we left it off.

If they do not take it up in what we deem a reasonable time, we will ask your indulgence again.

Thanking you for the interest manifested, and assuring you the best wishes of our Commercial Club, we are,

Very truly yours,
HOPKINSVILLE COMMERCIAL CLUB,
H. H. Abernathy, Secy.

Nothing further has been heard from either party, and this complaint is still pending for further advice from the complainant.

H. C. McFarlan, La Grange, Kentucky, complainant, vs. Louisville & Nashville Railroad Company, defendant.—Subject: Insufficient Depot Accommodation, Beard Station, Kentucky.—The following correspondence shows the steps taken in regard to this complaint:

Springfield, Ky., October 25, 1902.

Hon. H. C. McFarlan,
La Grange, Ky.

My Dear Sir: Referring to your complaint relative to insufficient depot accommodation at Beard Station, I beg to advise that shortly after I saw you last I took this matter up with the proper official of the L. & N. R. R., and have had several letters from him in regard to the matter, and for your information I quote

you what he says to me upon the subject in his last. I trust that this matter will be arranged to the entire satisfaction of yourself and other patrons at that point. I suppose that the improvements at the depot will be made immediately, as this letter states that the material is now on the ground for that purpose.

Yours very truly,

C. C. M'CHORD, Chairman.

Louisville & Nashville Railroad Company,
Law Department.

Louisville, Ky., October 23, 1902.

Hon. C. C. McChord,

Chairman Railroad Commission, Springfield, Ky.

Dear Sir: For further answer to your favor of the 20th inst. with reference to depot accommodations at Beard, I am advised by our superintendent of that division that he thinks the accommodations at Beard are ample for the business done at that station, and that in his judgment there is no ground for complaint, except that at present the condition of the depot is not very good. He says the depot is in need of a thorough overhauling, and that this has been ordered done, and material is on the ground, and that work will probably be commenced some time next week. When the work in view is completed, he thinks no one will have cause to criticize the accommodations furnished at Beard.

I may add that the construction of the Pewee Valley Electric Railway, which has its terminus at Beard, has very greatly reduced the passenger travel to and from that station by railroad train. We do not carry to and from that station more than one-third of the passengers that we carried before the electric line was opened for travel.

I hope and believe that the repairs to, and thorough overhauling of, the depot at Beard, which will be completed very soon, will be satisfactory to the commission and also to the patrons of the road using that depot.

Yours truly,

T. B. HARRISON, JR.,

Ass't District Attorney.

Berry & Son, Monticello, Kentucky, complainant, vs. Cincinnati, New Orleans & Texas Pacific Railway, defendant.—Subject: Overcharge on Two Consignments of Swings.—Complaint investigated. Defendant acknowledged the overcharge, which was refunded to complainant and complaint dismissed, settled.

Mercer County Commercial Club, complainant, vs. Southern Railway Company in Kentucky, defendant.—Subject: Extortionate and Discriminating Rates on all Commodities to Harrodsburg.—After having given more than ten days written notice, by letter addressed to defendant, a meeting of the commission was held at Harrodsburg, Ky., on the 5th day of August, 1902, at which time and place a number of witnesses were introduced by complainant and their depositions taken before the commission. Before the completion of the investigation, it was agreed by complainants and defendant that the further taking of depositions be suspended, and that a committee be appointed by complainant to confer with defendant and take up all rates complained of to Harrodsburg, and the commission was requested by the agreement of all parties to temporarily suspend the investigation until after this conference and until such time as they should receive notice from complainant to resume this investigation in the event an amicable adjustment of said complaint should not be arrived at. The commission then furnished the Commercial Club with its tariffs of rates issued by the defendant and other railroads in the State. Since that time no notice has been received from complainant requesting a resumption of the investigation, and said complaint is therefore continued.

C. W. Wills, complainant, vs. Frankfort & Cincinnati Railway, defendant.—Subject: Extortionate Passenger Rates, Georgetown to Frankfort.—This was a general complaint against defendant, charging that it did not conform to the tariff rates of three cents per mile for the transportation of passengers. A letter was addressed to complainant requesting him to come before the com-

mission and furnish the information in support of his claim. This complaint was forwarded by complainant from Frankfort, and he was notified to come to the office of the commission, but so far he has failed to do so, and his complaint is therefore dismissed.

The Great Western Coal & Coke Company, Chicago, Ill., complainant, vs. The Louisville & Nashville Railroad Company, defendant.—Subject: The failure to furnish cars for transportation of coal, and to transfer cars of other companies.—This was a complaint in the nature of an inquiry as to whether the commission had the power to grant the relief. A letter was addressed by the chairman to complainant advising him fully as to the law upon the subject and further advising that the commission would take up the complaint at such time and place as complainant might designate. No response has as yet been received, and the complaint is therefore continued.

J. H. Mitchell, complainant, vs. Louisville & Nashville Railroad Company, defendant.—Subject: Extortionate Rate on Sand.—This complaint was investigated and found to be an error upon the part of the defendant in billing the car of sand. The excess over tariff rate was refunded to complainant, and the complaint is dismissed, settled.

Citizens of Nebo, Kentucky, complainants, vs. Louisville & Nashville Railroad, defendant.—Subject: Charge that Freight Rates to Nebo are Unjust.—A letter was addressed by the commission to complainants, requesting that they make their complaint more specific. No reply having been received from complainants, the complaint is therefore continued.

Commercial Club of Stanford, Kentucky, complainants, vs. Louisville & Nashville Railroad Company, defendant.—Subject:

Request for an Electric Alarm Signal at Highway Crossing in Stanford, Kentucky.—A member of the commission inspected the highway crossing and defendant was requested to erect the alarm signal, and the commission has since been notified that the same has been done.

T. J. Graves, Springfield, Kentucky, complainant, vs. Louisville & Nashville Railroad Company, defendant.—Subject: Overcharge on Furniture from Louisville to Springfield.—Complaint investigated. Defendant admitted and refunded the overcharge to complainant, and complaint is therefore dismissed, settled.

J. H. McPherson, Williamstown, Kentucky, complainant, vs. Cincinnati, New Orleans & Texas Pacific Railway, defendant.—Subject: Extortionate Rates on Coal from Ohio and Kentucky Railway Points to Williamstown, Kentucky.—Complaint investigated and defendant requested to reduce its rates from \$2.00 to \$1.20 per ton, which was done. The reduced rate was approved by the commission, and the complaint dismissed, settled.

E. S. Wilhoit, Dawson Springs, Kentucky, complainant, vs. Illinois Central Railway Company, defendant.—Subject: Overcharge on Two Shipments of Apples from West Salem, Illinois, to Dawson Springs, Kentucky.—Complaint investigated by Commissioner Dempsey. An overcharge admitted and refunded by defendant to complainant, and complaint therefore dismissed, settled.

Citizens of Cobb, Kentucky, complainants, vs. Illinois Central Railway Company, defendant.—Subject: Petition for New Passenger and Freight Depot at Cobb, Kentucky.—Complaint was investigated by Commissioner Dempsey, and defendant agreed to erect a new passenger and freight station in conformity with plans which have been drawn.

Citizens of Mayfield, Kentucky, complainants, vs. Illinois Central Railway Company, defendant.—Subject: Extortionate Rates on Coal.—This complaint is now being investigated by the commission.

Citizens of Burnside, Kentucky, complainants, vs. Cincinnati, New Orleans & Texas Pacific Railway, defendant.—Subject: Petition for Watchman or Electric Alarm Signal at Highway Crossing at Burnside, Kentucky.—Complaint not yet investigated.

Citizens of Paris, Kentucky, complainants, vs. Louisville & Nashville Railroad Company, defendant.—Subject: Petition for Investigation of Alleged Merger of Louisville & Nashville and Frankfort & Cincinnati Railways.—This complaint is now being investigated.

George M. Smith, Burnside, Kentucky, complainant, vs. Cincinnati, New Orleans & Texas Pacific Railway, defendant.—Subject: Erroneous Charge of \$2.00 for Car Service Two Days.—Complaint now being investigated.

J. H. Thurman, Somerset, Kentucky, complainant, vs. Cincinnati, New Orleans & Texas Pacific Railway Company, defendant.—Subject: Request for Change of Highway Crossing at Somerset, Kentucky.—This complaint is now being investigated.

A. J. Cole, La Grange, Kentucky, complainant, vs. Louisville & Nashville Railroad Company, defendant.—Subject: Extortionate and Discriminating Rates on Tomatoes from La Grange to Sparta, Kentucky.—This complaint is now being investigated.

Robards Tobacco Company, Henderson, Kentucky, complainant, vs. The Louisville, Henderson & St. Louis Railway, defendant.—Subject: Rate on Tobacco in hogsheads, Louisville to Henderson.—This complaint is now being investigated.

Citizens of Knox and Bell Counties, complainants, vs. The Louisville & Nashville Railroad Company, defendant.—Subject: Extortionate Passenger Rates of Four Cents per Mile on the Cumberland Valley Division.—This complaint was presented in the form of a petition numerously signed, alleging that the rate of four cents per passenger per mile, on the Cumberland Valley Division of the Louisville & Nashville Railroad, is extortionate, and asking that the commission make a full investigation and that they fix a just and reasonable rate for such transportation. A similar complaint was filed by citizens of Springfield, Ky., on account of the four-cent passenger rate between Bardstown and Springfield. These two complaints, involving the same questions, were ordered to be heard together. More than ten days notice was given in writing to defendant and complainants, as directed by law, notifying them that a meeting of the commission would be held at Frankfort, Ky., on the 18th day of July, 1902, for the purpose of hearing and determining these complaints. The commission met at the time and place indicated. Defendant was present by its attorney; no one appeared for either of said complainants; a communication, however, was received from the attorneys of the first-named complainants asking a postponement of the investigation on account of their not being able to be present. There being no objection, the request was granted, and the hearing postponed, and the following letter addressed to said attorneys:

OFFICE RAILROAD COMMISSION,
FRANKFORT, KY., July 21, 1902. }

Messrs. N. B. Hays & A. K. Cook, Attys. for Complainants,
Pineville, Ky.

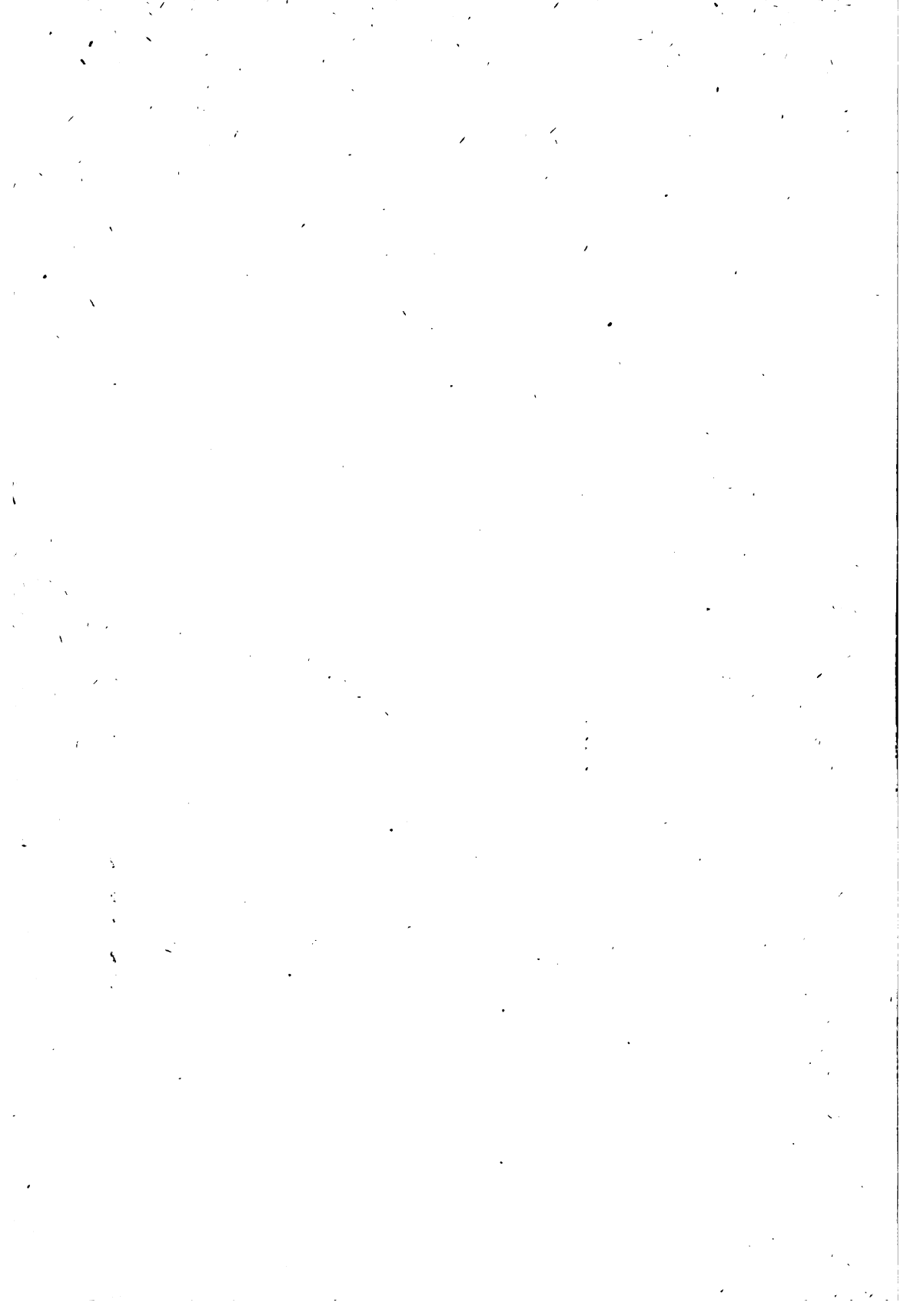
(Subject: Four Cent Passenger Rate, C. V. Div. L. & N.)

Gentlemen: Referring to the above complaint, I beg to acknowledge receipt of your communications of the 13th inst., addressed to the commission, and to advise that the same were duly filed, and that at a meeting of the commission held at Frankfort on the 17th, 18th and 19th inst. this complaint was taken up for consideration. The attorneys for the L. & N. R. R. being present, and not objecting thereto, your request that consideration of the complaint be postponed until you could be present as the representative of the complainants, was agreed to. In justice to the complainants, the commission entered an order granting the postponement until such time as will suit your convenience. The order also provides that whenever you shall notify me, that I shall then fix a time and place for a full hearing of the complaint. The commission will come to Pineville or Middlesboro, should you so desire. No further steps will be taken in the matter until I hear from you. Awaiting your further advice, I remain,

Yours very truly,

C. C. M'CHORD, Chairman.

Nothing further having been heard from either of said complainants or their attorneys, said complaints are continued.



REDUCTION IN COAL RATES.

An average reduction of 30 cents per ton on rates for the transportation of coal upon its principal lines has been made by the Louisville & Nashville Railroad as shown by its tariffs which we publish in full.

Figures in red showing the old rate, black figures the present rate charged.

RATES ON COAL, CAR LOADS, MINIMUM WEIGHT CAPACITY OF CAR.

FROM		PER TON OF 2000 POUNDS.																						
		Norton, Va.	Middlesborough, Ky.	Excellior, Ky.	Pineville, Ky.	West Pineville, Ky.	Wasioto, Ky.	Artemus, Ky.	Grays, Ky.	Millie Post, O. V. 178, Ky.	Lovell, Ky.	Barbourville, Ky.	Flat Lick, Ky.	Jellico, Ky.	Williamsburg, Ky.	Rockhold, Ky.	Lily, Ky.	Pittsburg, Ky.	East Bernstadt, Ky.	Altamont, Ky.	Hasel Patch, Ky.	Brush Creek, Ky.	Pine Hill, Ky.	Four Mile, Ky.
CUMBERLAND VALLEY DIVISION.	Grays	1.10	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Lovell	1.10	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Barbourville	1.10	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Artemus	1.00	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Flat Lick	1.00	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Four Mile	1.00	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	West Pineville	1.00	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Pineville	1.00	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Wasioto	1.25	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70
	Middlesborough	1.25	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70	.70
	Cumberland Gap, Tenn.	1.80	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25	.25
	Wheeler	1.00	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60
	Ewing	.70	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50	.50
	Rose Hill	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60

TWENTY-THIRD ANNUAL REPORT OF

[illegible]

RATES ON COAL, CAR LOADS, MINIMUM WEIGHT CAPACITY OF CAR.

TO	FROM														PER TON OF 2000 POUNDS.													
	Norton, Va.	Middleborough, Ky.	Excelsior, Ky.	Pineville, Ky.	West Pineville, Ky.	Artemus, Ky.	Grays, Ky.	Mill Post, C. V. 178, Ky.	Lovell, Ky.	Barbourville, Ky.	Flat Lick, Ky.	Jellico, Kenesee, Pleasant View, Mountain Ash, Zeda and Saxton, Ky.	Williamsburg, Ky.	Mahan, Ky.	Rockhold, Ky.	Lily, Ky.	Pittsburg, Ky.	East Bernstadt, Ky.	Altamont, Ky.	Hazel Patch, Ky.	Brush Creek, Ky.	Pine Hill, Ky.	Four Mile, Ky.					
KNOXVILLE DIV.																												
(Continued.)																												
East Bernstadt..... Ky.	.90	.70	.70	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.25	.25	.25	.25	.25	.50	.60				
"	1.45	1.25	1.25	1.25	1.25	1.25	1.25	.85	.85	1.25	1.25	.85	.85	.85	.85	.85	.85	.40	.40	.60	.60	.60	.85	1.25				
Altamont.....	.90	.70	.70	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.25	.25	.25	.25	.25	.50	.60				
"	1.45	1.25	1.25	1.25	1.25	1.25	1.25	.85	.85	1.25	1.25	.85	.85	.85	.85	.85	.85	.40	.40	.60	.60	.60	.85	1.25				
Hazel Patch.....	.90	.70	.70	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.25	.25	.25	.25	.25	.50	.70				
"	1.45	1.25	1.25	1.25	1.25	1.25	.85	.85	1.25	1.25	1.25	.85	.85	.85	.85	.85	.85	.60	.60	.60	.60	.60	.70	1.25				
Livingston.....	1.05	.85	.80	.70	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.50	.50	.50	.50	.50	.25	.70				
"	1.45	1.25	1.25	1.25	1.25	1.25	.85	.85	1.25	1.25	1.25	.85	.85	.85	.85	.85	.85	.70	.70	.70	.70	.70	.60	1.25				
Pine Hill.....	1.10	.90	.85	.70	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.50	.50	.50	.50	.50	.70	1.25				
"	1.30	1.25	1.25	1.25	1.25	1.25	1.25	1.10	1.25	1.25	1.25	1.25	1.10	1.10	1.10	1.00	.90	.90	.90	.90	.90	.90	.90	1.25				
Mount vernon.....	1.20	1.00	.90	.80	.80	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.25	.80				
"	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.10	1.25	1.25	1.25	1.25	1.10	1.10	1.10	1.00	.90	.90	.90	.90	.90	.90	.60	1.25				
Maretburgh.....	1.20	1.00	1.00	.85	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.25	.80				
"	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.05	.90	.90	.90	.90	.90	.60	1.25				
Brodhead.....	1.45	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.05	1.05	1.05	1.05	1.05	1.05	1.05	.60	1.25				
"	1.20	1.00	1.00	.90	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.50	.85				
"	1.55	1.35	1.35	1.35	1.35	1.35	1.35	1.30	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.15	1.15	1.15	1.15	1.15	1.15	.70	1.35					
Gum Sulphur.....	1.20	1.00	1.00	.90	.70	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.50	.90				
"	1.55	1.35	1.35	1.35	1.35	1.35	1.35	1.30	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.25	1.20	1.20	1.20	1.20	1.20	.70	1.35					
Crab Orchard.....	1.20	1.00	1.00	1.00	.85	.70	.70	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.60	.50	.90				
"	1.55	1.35	1.35	1.35	1.35	1.35	1.35	1.30	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.25	1.25	1.25	1.25	1.25	1.25	.90	1.35					
"	1.20	1.00	1.00	1.00	1.00	1.00	.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	.90	.90	.90	.90	.90	.90	.90	.90	1.00				
Maywood.....	1.55	1.35	1.35	1.35	1.35	1.35	1.35	1.30	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.25	1.25	1.25	1.25	1.25	1.25	1.00	1.00	1.35				

THE RAILROAD COMMISSION.

[illegible]

+ From Stonega only.	† From Mahan only.	a From Rockland only.
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All cars are to be loaded to their full marked capacity, minimum of 20 tons (40,000 lbs.)

|| Coal, C. L., from Pennington, Va., to Dryden, Va., 30c. per ton of 2,000 lbs.

*Rate on Steam Coal to point carried in "L" series.

ate from Pensacola 30c. per ton.

Rate from Pleasantview 60 cents.

RATES ON COAL, CAR LOADS, MINIMUM WEIGHT CAPACITY OF CAR.

TO	FROM	PER TON OF 2000 POUNDS.			
		Norton, Va. Stonega, Va.	Jellies, Kansee, Mt. Ash, Pleasant View, Mahon, Middle- borough, Excelsior, Pineville, West Pineville, Washto, Artemus, Lovell, Bryville, Rockhold, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lily, Pittsburg, East Bernstadt, Alta- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
CUMBERLAND & OHIO R. R. (Southern Division.)					
Calvary	Ky. }	1.50	1.30	1.25	1.20
Spurlington	" }	1.95	1.75	1.70	1.65
Campbellsville	" }				
Greensburg	" }				
CINCINNATI DIVISION.					
†St. Matthews	Ky. }	1.60	1.40	1.35	1.30
	" }	1.80	1.75	1.70	1.65
†Lyndon.....	" }				
†Lakeland	" }	1.70	1.50	1.45	1.40
†Anchorage.....	" }	1.80	1.75	1.70	1.65
†O'Bannons	" }				
†Pewee Valley	" }				
†Beard	" }				
†Camdens	" }	1.70	1.50	1.45	1.40
†Peru	" }	1.85	1.75	1.70	1.65
†Buckners	" }				
†Lagrange	" }				
†Pendleton	" }	1.70	1.50	1.45	1.40
†Sulphur	" }	1.90	1.75	1.70	1.65
†Campbellsburg	" }	1.70	1.50	1.45	1.40
	" }	1.95	1.75	1.70	1.65
†Turners	" }	1.70	1.50	1.45	1.04
	" }	2.00	1.80	1.75	1.70
†English.....	" }	1.70	1.50	1.45	1.40
†Worthville	" }	2.05	1.85	1.80	1.75
†Eagle	" }				
†Sanders	" }				
†Sparta	" }				
†Glencoe	" }	1.70	1.50	1.45	1.40
†Elliston	" }	2.10	1.90	1.85	1.80
†Zion	" }				
†Verona	" }				
†Walton	" }	1.70	1.50	1.45	1.40
†Bank Lick.....	" }	1.65	1.75	1.70	1.65
LEXINGTON BRANCH.					
Smithfield.....	Ky. }	1.70	1.50	1.45	1.40
Eminence	" }	1.90	1.70	1.65	1.60
Pleasureville	" }				

† Route via Louisville. † Route via Livingston, K. O. Division, and Latonia, Ky.

For Rates to Stations not named use Rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.			
		Norton, Va. Stonega, Va.	Jellico, Kenesee, Mt. Ash, Pleasant View, Mahan, Middle- borough, Excelsior, Pineville, West Pineville, Wasoto, Artemus, Lovell, Erbyville, Rockhold, Baxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lily, Pittsburg, East Bernstadt, Alta- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
LEXINGTON BRANCH. (Continued.)					
Croppers	Ky. }				
Christiansburg	" }	1.70	1.50	1.45	1.40
Bagdad	" }	1.80	1.60	1.55	1.50
Hatton	" }				
Benson	" }				
Jetts	" }	1.70	1.50	1.45	1.40
Duckers	" }	1.70	1.50	1.45	1.40
		1.70	1.50	1.45	1.40
Spring Station ..	" }	1.70	1.50	1.45	1.40
		1.65	1.50	1.45	1.40
Paynes	" }	1.70	1.50	1.45	1.40
Yarnallton	" }	1.60	1.50	1.45	1.40
SHELBY BRANCH.					
Avoca	Ky. }	1.70	1.50	1.45	1.40
		1.85	1.75	1.70	1.65
Eastwood	" }				
Long Run	" }	1.70	1.50	1.45	1.40
Simpsonville	" }	1.90	1.75	1.70	1.65
Scotts	" }				
KENTUCKY CENTRAL DIV. (Main Line.)					
Mullins	Ky. }	1.05	.85	.80	.75
		1.20	1.25	1.20	1.15
Wildie	" }	1.20	1.00	.95	.90
		1.35	1.25	1.20	1.15
Conway	" }	1.35	1.15	1.10	1.05
		1.45	1.25	1.20	1.15
Berea	" }	1.40	1.20	1.15	1.10
Whites	" }	1.55	1.35	1.30	1.25
Fort Estill	" }				
Red House	" }	1.40	1.20	1.15	1.10
Ford	" }				
Renick	" }	1.40	1.20	1.15	1.10
Austerlitz	" }	1.60	1.40	1.35	1.30
Cunningham	" }				
Kiserton	" }	1.50	1.30	1.25	1.20
Shawhan	" }	1.70	1.50	1.45	1.40
Lair	" }	1.50	1.30	1.25	1.20
		1.80	1.60	1.55	1.50

For Rates to Stations not named use Rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.			
		Norton, Va. Stonega, Va.	Jellico, Kenesee, Mt. Ash, Pleasant View, Maham Middle- borough, Excelsior, Pineville, West Pineville, Wasfoto, Artemus, Lovell, Bryville, Rockhold, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. C. V. 178, Mile Post, C. V. 178, Ky.	Lily, Pittsburg, East Bernstadt, Aita- mont, Hazel Patch, Pine Hill, Brush Oreok, Ky.
KENTUCKY CENTRAL DIV.—Con.					
(Main Line.)					
Cynthiana.....	Ky.	1.60 1.95	1.40 1.75	1.35 1.70	1.30 1.65
Poindexter.....	"				
Robinson.....	"				
Berry.....	"				
Boyle.....	"	1.60 1.60	1.40 1.75	1.35 1.70	1.30 1.65
Morgan.....	"				
Falmouth.....	"				
Catawba.....	"				
Lynn.....	"	1.60 1.60	1.40 1.75	1.35 1.70	1.30 1.65
Butler.....	"				
Demosville.....	"				
Morning View.....	"				
Kenton.....	"	1.60 1.20 1.60 1.00	1.40 1.75 1.40 1.75	1.35 1.70 1.35 1.70	1.30 1.65 1.30 1.65
Visalia.....	"				
Spring Lake.....	"				
(Paris and Lexington Branch.)					
Kenney.....	Ky.	1.40	1.20	1.15	1.10
Hutchison.....	"				
Muir.....	"				
(Maysville Branch.)					
Millersburg.....	Ky.	1.50 1.70	1.30 1.50	1.25 1.45	1.20 1.40
Carlisle.....	"				
		1.50 1.80	1.30 1.60	1.25 1.55	1.20 1.50
Myers.....	"				
		1.60 1.90	1.40 1.70	1.35 1.65	1.30 1.60
Pleasant Valley.....	"				
Cowan.....	"	1.60 1.95	1.40 1.75	1.35 1.70	1.30 1.65
Ewing.....	"				
Nepton.....	"	1.60 1.70	1.40 1.75	1.35 1.70	1.30 1.65
Johnson.....	"	1.60 1.60	1.40 1.75	1.35 1.70	1.30 1.65
Flemingsburg.....	"				
Helena.....	"				
Marshall.....	"				
(Richmond Branch.)					
Gilberts.....	Ky.	1.40 1.65	1.20 1.45	1.15 1.40	1.10 1.35
Lancaster.....	"				
Hyattsville.....	"				

For Rates to Stations not named use Rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2,000 POUNDS.			
		FROM			
TO		NORTON, VA. STONEGA, VA.	Jellico, Kenese Mt. Ash, Pleasant View, Mahan, Middle- borough, Excegor. Pineville, West Pineville, Wadoco, Artemus, Lovell, Barbyle, Rockhold, Sarton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	GRAYS, KY. MILE POST O V 178, KY.	Lily, Pittsburg, E. Bernstadt, Alta- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
KENTUCKY CENTRAL DIV.—Con.					
(Richmond Branch.)					
Lowell	Ky. }	1.40	1.20	1.15	1.10
Paint Lick	" }	1.75	1.55	1.50	1.45
Silver Creek	" }	1.40	1.20	1.15	1.10
		1.80	1.60	1.55	1.50
MAIN LINE.					
South Park	Ky. }	1.50	1.30	1.25	1.20
		1.75	1.75	1.70	1.65
Brooks	" }				
Hubers	" }				
Shepherdsville	" }				
Salt River	" }	1.50	1.30	1.25	1.20
Bardstown Junction	" }	1.85	1.75	1.70	1.65
Belmont	" }				
Lebanon Junction	" }				
Colesburg	" }				
Tunnel Hill	" }	1.50	1.30	1.25	1.20
Elizabethtown	" }	1.60	1.75	1.70	1.65
Glendale	" }	1.60	1.40	1.35	1.30
		1.60	1.75	1.70	1.65
Nolin	" }	1.60	1.40	1.35	1.30
Sonora	" }	1.70	1.75	1.70	1.65
Upton	" }				
Bonnieville	" }				
Munfordville	" }	1.60	1.40	1.35	1.30
Rowletts	" }	1.85	1.75	1.70	1.65
Horse Cave	" }				
Cave City	" }				
Glasgow Junction	" }				
Rocky Hill	" }	1.60	1.40	1.35	1.30
Smith's Grove	" }	1.85	1.75	1.70	1.65
Oakland	" }				
Sunny Side	" }				
Bristow	" }				
Bowling Green	" }	1.60	1.40	1.35	1.30
Memphis Junction	" }	1.70			
		1.90	1.50	1.45	1.40
Rich Pond	" }	1.70	1.75	1.70	1.65
		1.95			

For Rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
		FROM			
TO		Norton, Va. Stonega, Va.	Jalisco, Kenesee, Mt. Ash, Pleasant View, Mahan, Middles- borough, Excelsior, Pineville, West Pineville, Washtoto, Artemus, Lovell, Brbville, Rockhol, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lilly, Pittsburg, East Bernstadt, Al- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
MAIN LINE. (Continued.)					
Woodburn.....	Ky..	1.70 2.00	1.50 1.80	1.45 1.75	1.40 1.70
Franklin	"	1.70 2.20	1.50 2.00	1.45 1.95	1.40 1.90
Mitchellville	Tenn.				
Portland	"				
Fountain Head....	"				
Buck Lodge.....	"				
South Tunnel.....	"				
Gallatin	"				
St. Blaise	"	1.70	1.50	1.45	1.04
Avondale	"				
Hendersonville ..	"				
Edgefield Junction.	"				
Madison	"				
Maplewood.....	"				
East Nashville.....	"				
West Nashville.....	"	1.70	1.50	1.50	1.50
South Nashville ..	"				
Nashville.....	"				
GLASGOW RAILROAD.					
Oil City.....	Ky. }	1.80	1.60	1.55	1.50
Glasgow	" }	2.05	1.85	1.80	1.75
MAMMOTH CAVE RAILROAD.					
Grand Avenue Cave.....	Ky. }	2.60	2.40	2.35	2.30
Mammoth Cave	" }	2.85	2.65	2.60	2.55
BARDSTOWN BRANCH.					
Chapeze	Ky }	1.50	1.30	1.25	1.20
Clermont	" }	2.05	1.85	1.80	1.75
Hobbs	"				
Deatsville.....	"				
Samuels	"				
Hunters	"				
Bardstown	"	1.50	1.30	1.25	1.20
Early Times	"	2.10	1.90	1.85	1.80
Greenbrier.....	"				
Woodlawn	"				
Croakes	"				
Booker	"				
Valley Hill	"	1.50	1.30	1.25	1.20
Springfield.....	"	2.30	2.10	2.05	2.00

For Rates to Stations not named use Rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR**

TO	FROM	PER TON OF 2000 POUNDS.			
		Norton, Va. Stonega, Va.	Jellico, Keneset, Mt. Ash, Pleasant View, Mahan, Middle- borough, Excelsior, Pineville, West Pineville, Washto, Artemus, Lovell, Bryville, Rockhold, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lally, Pittsburg, East Bernstadt, Altamont, Hazel Patch, Pine Hill, Brush Creek, Ky.
MEMPHIS LINE.					
Rockfield.....	Ky.				
South Union.....	"				
Auburn.....	"				
Dennis.....	"				
Russellville.....	"				
Ferguson.....	"	1.70	1.50	1.45	1.40
Olmstead.....	"	2.20	2.00	1.95	1.90
Allensville.....	"				
Hadensville.....	"				
Guthrie.....	"				
Hamptons.....	Tenn.				
St. Bethlehem.....	"	1.70	1.50	1.45	1.40
Clarksville.....	"				
Hematite.....	"	1.70	1.50	1.45	1.40
Palmyra.....	"				
Cumberland City.....	"				
Erin.....	"				
Tennessee Ridge.....	"	1.80	1.60	1.60	1.60
Stewart.....	"				
Stribbling.....	"				
Danville.....	"				
Tennessee River.....	"	1.80	1.60	1.60	1.60
Big Sandy.....	"				
Springville.....	"	1.95	1.75	1.75	1.75
Paris.....	"	1.95	1.75	1.75	1.75
Henry.....	"	1.95	1.75	1.75	1.75
McKenzie.....	"	1.95	1.75	1.75	1.75
Trezevant.....	"	1.95	1.75	1.75	1.75
Atwood.....	"				
Milan.....	"				
Gibson.....	"	2.10	1.90	1.90	1.90
Humboldt.....	"				
Gadsden.....	"				
Bells.....	"				
Brownsville.....	"				
Stanton.....	"				
Keeling.....	"				
Mason.....	"	2.10	1.90	1.90	1.90
Braden.....	"				
Galloway.....	"				
Arlington.....	"				
Brunswick.....	"				
Bartlett.....	"				
Memphis.....	"	1.80	1.60	1.60	1.60

For Rates to Stations not named use Rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO		FROM	PER TON OF 2000 POUNDS.			
			Norton, Va. Stonega, Va.	Jellico, Kensee, Mt. Ash, Pleasant View, Mahan, Middle- borough, Excestor, Pineville, West Pineville, Wasoto. Artemus, Lovell, Brbville, Rockhold, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lily, Pittsburg, East Bernstadt, Alta- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
E. & G. R. R.						
*Anderson	Ky.	1.95	1.75	1.70	1.65	
		2.60	2.40	2.35	2.30	
*Hermon	"	1.95	1.75	1.70	1.65	
*Bradshaw	"	2.80	2.60	2.55	2.50	
Elkton	"	1.95	1.75	1.70	1.65	
		2.90	2.70	2.65	2.60	
C. & P. DIVISION.						
Kennedy	Ky.					
Oak Grove	"					
Howel	"					
Herndon	"	1.95	1.75	1.70	1.65	
Newstead	"	2.50	2.30	2.30	2.30	
Julian	"					
Gracey	"					
CLARKSVILLE MINERAL BRANCH.						
Marion	Tenn.					
Slayden	"					
Van Leer	"	1.95	1.75	1.70	1.65	
Sylvia	"					
Cumberland Furnace	"					
*Raimey	"					
O. & N. DIVISION.						
Owensboro	Ky.					
Lewis	"	1.95	1.75	1.70	1.65	
Livia	"	2.20	2.00	1.95	1.90	
Livermore	"					
Island	"					
South Carrollton	"					
Central City	"					
Bevier	"					
Drakesboro	"					
Belton	"					
Penrod	"	1.95	1.75	1.70	1.65	
Dunmor	"	2.20	2.00	1.95	1.90	
Lewisburg	"					
Edwards	"					
Red Oak	"					
Adairville	"					

* Prepay Station.

For rates to Stations not named use Rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.				
TO		FROM	Norton, Va. Stonega, Va.	Jellico, Kensee, Mt. Ash, Pleasant View, Mahan Middle- borough, Excelsior, Pineville, West Pineville, Washto, Artemus, Lovell, Bri'ville, Rockhold, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lily, Pittsburg, East Bernstadt, Alta- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
HENDERSON DIVISION.						
Goodletts	Tenn.					
Bakers	"					
Ridgetop	Ky.					
Greenbrier	"					
Springfield	"					
Cedar Hill	"					
Adams	"					
Sadlers	"					
Trenton	"					
Pembroke	"					
Casky	"					
+Hopkinsville	"					
Crofton	"	1.95	1.75	1.75	1.75	
Nortonville	"	2.20	2.00	2.00	2.00	
Mortons	"					
Barnsley	"					
Earlington	"					
Nebo	"					
Providence	"					
Madisonville	"					
Hanson	"					
Slaughters	"					
Sebree	"					
Robards	"					
Henderson	"					
Evansville	Ind	2.20	2.15 +2.20	2.15 2.20	2.15 2.20	
N. & D. DIVISION.						
Brentwood	Tenn.					
Callender	"					
Franklin	"					
West Harpeth	"					
Thompsons	"	1.95	1.75	1.75	1.75	
Ewells	"					
Carter's Creek	"					
Dark's Mill	"					
Godwin	"					
Columbia	"	1.95	1.75	1.75	1.75	
Glendale	"					
Pleasant Grove	"	2.10	1.90	1.90	1.90	
Campbells	"					

† Rate on Steam Coal to Hopkinsville from Norton and Stonega, Va., carried in "L" series.

+ Rate on Cannel Coal from Pineville \$1.75 per ton 2,000 lbs.

For Rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
		FROM			
TO		Nor'on, Va. Stonega, Va.	Jellico, Kensee, Mt. Ash, Pleasant View, Mahan, Middle- borough, Excelsior, Pineville, West Pineville, Wasfoto, Artemus, Loyell, Birchville, Rockhold, Saxton, Flat Lick, Williamsburg, Zeda, Four Mile, Ky.	Grays, Ky. Mile Post, C. V. 178, Ky.	Lily, Pittsburg, East Bernstadt, Alta- mont, Hazel Patch, Pine Hill, Brush Creek, Ky.
N. & D. DIVISION.					
(Continued.)					
Lynnville	Tenn.				
Bufords	"				
Reynolds	"				
Riversburg	"				
Wales	"				
Pulaski	"				
Aspen Hill	"	2.10	1.90	1.90	1.90
Prospect	"				
State Line	Ala.				
Elkmont	"				
Athens	"				
Tanner	"				
Harris	"				
Decatur	"	2.10	1.90	1.90	1.90
N., F. & S. RAILWAY.					
Ashwood	Tenn.				
Ridley	"				
Mt. Pleasant	"				
Sandy Hood	"				
Summertown	"				
Brace	"				
Wayne	"				
Lawrenceburg	"				
Dunn	"				
Springers	"	2.10	1.90	1.90	1.90
Loretto	"				
St. Joseph	"				
Iron City	"				
Pruitton	Ala.				
Barnesville	Tenn.				
Napier	"				
Wayland Springs	"				
West Point	"				
Pinkney	"				
Florence	Ala.	2.10	1.90	1.90	1.90
Sheffield	"	2.10	1.90	1.90	1.90
Tuscumbia	"	2.10	1.90	1.90	1.90

For Rates to Stations not named use Rate to station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.								
		Sebree, Ky.	Providence, Ky.	Madisonville, Ky.	Earlington, Ky.	Barnsley, Ky.	Mortons, Ky.	Nortonville, Ky.	Mannington, Ky.	Empire, Ky.
HENDERSON DIVISION.										
Evansville.....	Ind.	.50	.50	.50	.50	.50	.50	.50	.50	.50
Henderson.....	Ky.	.50	.50	.50	.50	.50	.50	.50	.50	.50
Robards.....	"	.50	.90	.70	.90	.90	.90	1.05	1.05	1.10
Sebree.....	"	"	.90	.70	.90	.90	.90	1.05	1.05	1.10
Slaughters.....	"	.60	.90	.50	.60	.70	.90	1.05	1.05	1.10
Hanson.....	"	.70	.72½	.50	.60	.70	.70	1.00	1.00	1.05
Madisonville.....	"	.70	.60	"	.60	.60	.60	.90	.90	1.00
Nebo.....	"	.70	.60	.60	.72½	.72½	.72½	1.02½	1.02½	1.12½
Providence.....	"	.70	"	.60	.72½	.72½	.72½	1.02½	1.02½	1.12½
Earlington.....	"	.70	.72½	.60	"	.60	.60	.70	.70	.70
Barnsley.....	"	.70	.72½	.60	.60	"	.60	.70	.70	.70
Mortons.....	"	.70	.72½	.60	.60	.60	"	.60	.60	.60
Nortonville.....	"	.70	.82½	.70	.60	.60	.60	"	.60	.60
Crofton.....	"	.90	.90	.90	.90	.90	.70	.70	.60	.60
Hopkinsville.....	"	.90	.90	.90	.90	.90	.90	.90	.90	.90
Casky.....	"	.90	.90	.90	.90	.90	.90	.90	.90	.90
Pembroke.....	"	1.30	1.20	1.20	1.15	1.15	1.15	1.15	1.00	.90
Trenton.....	"	.90	.90	.90	.90	.90	.90	.90	.90	.90
Sadlers.....	Tenn.	1.30	1.20	1.20	1.20	1.20	1.20	1.20	1.05	1.00
Adams.....	"	.90	.90	.90	.90	.90	.90	.90	.90	.90
Cedar Hill.....	"	1.30	1.20	1.20	1.20	1.20	1.20	1.20	1.15	1.05
Springfield.....	"	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
Greenbrier.....	"	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
Ridgetop.....	"	1.55	1.45	1.45	1.45	1.45	1.45	1.45	1.45	1.45
Bakers.....	"	1.20	1.20	1.20	1.20	1.20	1.20	2.20	1.20	1.20
Goodletts.....	"	1.60	1.55	1.55	1.55	1.55	1.55	1.55	1.55	1.55
	"	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
	"	1.60	1.55	1.55	1.55	1.55	1.55	1.55	1.55	1.55

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
O. & N. DIVISION.					
Owensboro.....	Ky.	1.20	1.20	1.20	
Utica.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Livia.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Livermore.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Island.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
South Carrollton.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Central City.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Bevier.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Drakesboro.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Belton.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Penrod.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Dunmor.....	"	1.45 1.20	1.45 1.20	1.45 1.20	
Lewisburg.....	"	1.40 1.20	1.40 1.20	1.40 1.20	
Edwards.....	"	1.40 1.20	1.40 1.20	1.40 1.20	
Red Oak.....	"	1.45 1.20	1.45 1.20	1.45 1.20	
Adairville.....	"	1.45 1.20 1.50	1.45 1.20 1.50	1.45 1.20 1.50	
N. & D. DIVISION.					
Brentwood.....	Tenn.	1.25	1.25	1.25	
Callender.....	"	1.25	1.25	1.25	
Franklin.....	"	1.25	1.25	1.25	
West Harpeth.....	"	1.25	1.25	1.25	
Thompsons.....	"	1.25	1.25	1.25	
Ewells.....	"	1.25	1.25	1.25	
Carter's Creek.....	"	1.25	1.25	1.25	
Dark's Mill.....	"	1.25	1.25	1.25	
Godwin.....	"	1.25	1.25	1.25	

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky. Madiso ville, Ky.	Earlington, Ky. Barnsley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
N. & D. DIVISION.					
Continued.					
Columbia.....	Tenn.	1.25	1.25	1.25	
Glendale.....	"	1.30	1.30	1.30	
Pleasant Grove.....	"	1.30	1.30	1.30	
Campbells.....	"	1.30	1.30	1.30	
Lynnville.....	"	1.30	1.30	1.30	
Bufords.....	"	1.30	1.30	1.30	
Reynolds.....	"	1.30	1.30	1.30	
Riversburg.....	"	1.30	1.30	1.30	
Wales.....	"	1.30	1.30	1.30	
Pulaski.....	"	1.30	1.30	1.30	
Aspen Hill.....	"	1.30	1.30	1.30	
Lesters.....	"	1.30	1.30	1.30	
Prospect.....	"	1.30	1.30	1.30	
State Line.....	Ala	1.30	1.30	1.30	
Elkmont.....	"	1.30	1.30	1.30	
Athens.....	"	1.30	1.30	1.30	
Tanner.....	"	1.30	1.30	1.30	
Harris.....	"	1.30	1.30	1.30	
Decatur.....	"	1.30	1.30	1.30	
N., F. & S. R'Y.					
Ashwood.....	Tenn.	1.30	1.30	1.30	
Ridley.....	"	1.30	1.30	1.30	
Mt. Pleasant.....	"	1.30	1.30	1.30	
Sandy Hook.....	"	1.30	1.30	1.30	
Summertown.....	"	1.30	1.30	1.30	
Brace.....	"	1.30	1.30	1.30	
Wayne.....	"	1.30	1.30	1.30	
Lawrenceburg.....	"	1.30	1.30	1.30	
Dunn.....	"	1.30	1.30	1.30	
Springers.....	"	1.30	1.30	1.30	
Loretto.....	"	1.30	1.30	1.30	
St. Joseph.....	"	1.30	1.30	1.30	
Iron City.....	"	1.30	1.30	1.30	
Pruitton.....	Ala.	1.30	1.30	1.30	
Barnesville.....	Tenn.	1.30	1.30	1.30	
Napier.....	"	1.30	1.30	1.30	
West Point.....	"	1.30	1.30	1.30	
Wayland Spring.....	"	1.30	1.30	1.30	
Pinkney.....	"	1.30	1.30	1.30	
Florence.....	Ala.	1.30	1.30	1.30	
Sheffield.....	"	1.30	1.30	1.30	
Tuscumbia.....	"	1.30	1.30	1.30	

For rates to Stations not named use rate to Station next beyond named herein.

RATES ON COAL, CAR LOADS, MINIMUM WEIGHT CAPACITY OF CAR.

TO	FROM	PER TON OF 2000 POUNDS.			
		Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Manning on, Ky. Empire, Ky.	
MEMPHIS LINE.					
Rockfield	Ky.	1.20 1.50	1.20 1.50	1.20 1.50	
South Union	"	1.20 1.50	1.20 1.50	1.20 1.50	
Auburn	"	1.30 1.50	1.20 1.50	1.20 1.50	
Dennis	"	1.20 1.50	1.20 1.50	1.20 1.50	
Russellville	"	1.20 1.40	1.20 1.40	1.20 1.40	
Ferguson	"	1.10 1.35	1.10 1.35	1.10 1.35	
Olmstead	"	1.00 1.35	1.00 1.35	1.00 1.35	
Allensville	"	1.00 1.30	1.00 1.30	1.00 1.30	
Hadensville	"	.95 †1.25	.95 1.25	.95 1.25	
Guthrie	"	.90 †1.20	.90 1.20	.90 1.20	
Hamptons	Tenn.	1.00 1.20	1.00 1.20	1.00 1.20	
St. Bethlehem	"	1.00 1.20	1.00 1.20	1.00 1.20	
Clarksville	"	1.00	1.00	1.00	
Hematite	"	1.10	1.10	1.10	
Palmyra	"	1.10	1.10	1.10	
Cumberland City	"	1.10	1.10	1.10	
Erin	"	1.15	1.15	1.15	
Tennessee Ridge	"	1.15	1.15	1.15	
Stewart	"	1.15	1.15	2.15	
Tennessee River	"	1.15	1.15	1.15	
Danville	"	1.15	1.15	1.15	
Stribbling	"	1.15	1.15	1.15	
Big Sandy	"	1.20	1.20	1.20	
Springville	"	1.20	1.20	1.20	
Paris	"	1.20	1.20	1.20	
Henry	"	1.20	1.20	1.20	
McKenzie	"	1.20	1.20	1.20	
Trezevant	"	1.20	1.20	1.20	
Atwood	"	1.20	1.20	1.20	
Milan	"				
Humboldt	"				

For rates to Stations not named use rate to Station next beyond named herein.
 † From Morton's Gap and Earlington 80 cents per 2,000 lbs., until August 31, 1901, unless
 sooner revoked, after which the rate will be \$1.40 per ton 2,000 lbs.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
MEMPHIS LINE.					
Continued.					
Gadsden	Tenn.	1.40	1.40	1.40	
Bells	"	1.40	1.40	1.40	
Brownsville	"	1.40	1.40	1.40	
Stanton	"	1.40	1.40	1.40	
Keeling	"	1.40	1.40	1.40	
Mason	"	1.40	1.40	1.40	
Braden	"	1.40	1.40	1.40	
Galloway	"	1.40	1.40	1.40	
Arlington	"	1.40	1.40	1.40	
Brunswick	"	1.40	1.40	1.40	
Bartlett	"	1.40	1.40	1.40	
Memphis	"	See Fifth	Page.		
E. & G. R. R.					
*Anderson	Ky.	1.80	1.80	1.30	
		1.60	1.60	1.60	
*Hermon	"	1.80	1.80	1.80	
		1.80	1.80	1.80	
*Bradshaw	"	1.80	1.80	1.80	
		1.80	1.80	1.80	
Elkton	"	1.80	1.80	1.80	
		1.90	1.90	1.90	
Clarksville Mineral Branch.					
Marion	Tenn.	1.80	1.80	1.80	
Slayden	"	1.80	1.80	1.80	
Van Leer	"	1.80	2.80	1.80	
Sylvia	"	1.80	1.80	1.80	
Cumberland Furnace ..	"	1.80	1.80	1.80	
*Raimey	"	1.80	1.80	1.80	
MAIN STEM.					
Louisville	Ky.	1.40	1.40	1.40	
Highland Park	"	1.40	1.40	1.40	
		1.70	1.70	1.70	
South Park	"	1.40	1.40	1.40	
		1.70	1.70	1.70	

For rates to Stations not named use rate to Station next beyond named herein.

* Prepay Station.

+ From Morton's Gap and Earlington 80 cents per ton 2,000 lbs., until August 31, 1901, unless sooner revoked, after which the rate will be \$1.40 per ton 2,000 lbs.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.			
		Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnsley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
MAIN STEM.					
(Continued.)					
Brooks	Ky.	1.40	1.40	1.40	
Hubers	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Shepherdsville	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Salt River	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Bardstown Junction	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Belmont	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Lebanon Junction	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Colesburg	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Tunnel Hill	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Elizabethtown	"	1.70	1.70	1.70	
		1.40	1.40	1.40	
Glendale	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Nolin	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Sonora	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Upton	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Bonnieville	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Munfordville	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Rowletts	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Horse Cave	"	1.70	1.70	1.70	
		1.30	1.30	1.30	
Cave City	"	1.70	1.70	1.70	
		1.20	1.20	1.20	
Glasgow Junction	"	1.65	1.65	1.65	
		1.20	1.20	1.20	
Rocky Hill	"	1.65	1.65	1.65	
		1.20	1.20	1.20	
		1.60	1.60	1.60	

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnsley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
MAIN STEM. Continued.					
Smith's Grove	Ky.	1.20	1.20	1.20	
Oakland	"	1.60 1.20	1.60 1.20	1.60 1.20	
Sunny Side.....	"	1.60 1.20	1.60 1.20	1.60 1.20	
Bristow	"	1.60 1.20	1.60 1.20	1.60 1.20	
Bowling Green.....	"	1.50	1.50	1.50	
Memphis Junction.....	"	†1.00	†1.00	†1.00	
Rich Pond.....	"	1.20	1.20	1.20	
Woodburn.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Franklin.....	"	1.50 1.20	1.50 1.20	1.50 1.20	
Mitchellville.....	Tenn.	1.60	1.60	1.60	
Portland.....	"	1.20	1.20	1.20	
Fountain Head	"	1.20	1.20	1.20	
Buck Lodge.....	"	1.20	1.50	1.20	
South Tunnel.....	"	1.20	1.20	1.20	
Gallatin.....	"	1.20	1.20	1.20	
St. Blaise.....	"	1.20	1.20	1.20	
Avondale	"	1.20	1.20	1.20	
Hendersonville	"	1.20	1.20	1.20	
Edgefield Junction	"	1.20	1.20	1.20	
Madison	"	1.20	1.20	1.20	
Maplewood.....	"	1.20	1.20	1.20	
East Nashville.....	"	} See Fifth Page.			
West Nashville	"				
Nashville	"				
GLASGOW R. R.					
Oil City.....	Ky.	1.40	1.40	1.40	
Glasgow	"	1.85	1.85	1.85	
MAM. CAVE R. R.					
Grand Avenue Cave.....	Ky	2.20	2.20	2.20	
Mammoth Cave.....	"	2.65	2.65	2.65	
		2.20	2.20	2.20	
		2.65	2.65	2.65	

For rates to Stations not named use rate to Station next beyond named herein.

† Black Coal to Bowling Green, Ky., 75 cents per ton of 2000 lbs. No reduction on Steam Coal.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.			
		Sabree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
CINCINNATI DIV.					
St. Matthews.....	Ky.	1.70	1.70	1.70	
Lyndon.....	"	1.70	1.70	1.70	
Lakeland.....	"	1.70	1.70	1.70	
Anchorage.....	"	1.70	1.70	1.70	
O'Bannon.....	"	1.70	1.70	1.70	
Pewee Valley.....	"	1.75	1.75	1.75	
Beard.....	"	1.80	1.80	1.80	
Camden.....	"	1.80	1.80	1.80	
Peru.....	"	1.80	1.80	1.80	
Buckner.....	"	1.90	1.90	1.90	
Lagrange.....	"	1.90	1.90	1.80	
Pendleton.....	"	1.90	1.90	1.90	
Sulphur.....	"	1.90	1.90	1.90	
Campbellsburg.....	"	1.90	1.90	1.90	
Turners.....	"	1.90	1.90	1.90	
English.....	"	1.90	1.90	1.90	
Worthville.....	"	1.90	1.90	1.90	
Eagle.....	"	1.90	1.90	1.90	
Sanders.....	"	1.90	1.90	1.90	
Sparta.....	"	1.90	1.90	1.90	
Glencoe.....	"	1.90	1.90	1.90	
Elliston.....	"	1.90	1.80	1.90	
Zion.....	"	1.90	1.90	1.90	
Verona.....	"	1.90	1.40	1.90	
Walton.....	"	1.00	1.90	1.90	
Bank Lick.....	"	1.90	1.90	1.90	
LEXINGTON BR.					
Smithfield.....	Ky.	1.90	1.90	1.90	
Eminence.....	"	1.90	1.90	1.90	
Pleasureville.....	"	1.90	1.90	1.90	
Cropper.....	"	1.90	1.90	1.90	
Christiansburg.....	"	1.90	1.90	1.90	
Bagdad.....	"	1.90	1.90	1.90	
Hatten.....	"	1.90	1.90	1.90	
Benson.....	"	1.90	1.90	1.90	
Frankfort.....	"	1.90	1.90	1.90	
Jett.....	"	1.90	1.90	1.90	
Duckers.....	"	1.90	1.90	1.90	
Spring Station.....	"	1.90	1.90	1.90	
Midway.....	"	1.90	1.90	1.90	
Paynes.....	"	1.90	1.90	1.90	
Yarnallton.....	"	1.90	1.90	1.90	
Lexington.....	"	1.90	1.90	1.90	

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
Cumberland Valley Division.					
Grays.....	Ky.	2.15	2.15	2.15	
Barbourville.....	"	2.15	2.15	2.15	
Pineville.....	"	2.15	2.15	2.15	
SHELBY BRANCH.					
Avoca.....	Ky.	1.70	1.70	1.70	
Eastwood.....	"	1.70	1.70	1.70	
Long Run.....	"	1.70	1.70	1.70	
Simpsonville.....	"	1.80	1.80	1.80	
Scotts.....	"	1.90	1.90	1.90	
Shelbyville.....	"	1.90	1.90	1.90	
KNOXVILLE DIVISION.					
Boston.....	Ky.	1.75	1.75	1.75	
Nelsonville.....	"	1.75	1.75	1.75	
Lyons.....	"	1.75	1.75	1.75	
Atherton's Switch.....	"	1.75	1.75	1.75	
New Haven.....	"	1.75	1.75	1.75	
Gethsemane.....	"	1.75	1.75	1.75	
New Hope.....	"	1.75	1.75	1.75	
Coon Hollow.....	"	1.75	1.75	1.75	
Dants.....	"	1.75	1.75	1.75	
Chicago.....	"	1.75	1.75	1.75	
Loretto.....	"	1.75	1.75	1.75	
St. Mary's.....	"	1.75	1.75	1.75	
Lebanon.....	"	1.75	1.75	1.75	
Penicks.....	"	1.75	1.75	1.75	
Rileys.....	"	1.75	1.75	1.75	
Gravel Switch.....	"	1.75	1.75	1.75	
Brumfield.....	"	1.75	1.75	1.75	
Mitchellsburg.....	"	1.75	1.75	1.75	
		1.80	1.80	1.80	
Parksville.....	"	1.75	1.75	1.75	
		1.80	1.80	1.80	
Junction City.....	"	1.75	1.75	1.75	
		1.80	1.80	1.80	
Shelby City.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Stanford.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Rowland.....	"	1.75	1.75	1.75	
		1.90	1.90	1.90	

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
KNOXVILLE DIVISION.					
Continued.					
Maywood	Ky.	1.75	1.75	1.75	
Crab Orchard	"	1.90	1.90	1.90	
Gum Sulphur	"	1.75	1.75	1.75	
Brodhead	"	1.90	1.90	1.90	
Maretsburg	"	1.75	1.75	1.75	
Mount Vernon	"	1.90	1.90	1.90	
Pine Hill	"	1.75	1.75	1.75	
Livingston	"	2.00	2.00	2.00	
Hazel Patch	"	1.75	1.75	1.75	
East Bernstadt	"	2.00	2.00	2.00	
Pittsburg	"	1.75	1.75	1.75	
London	"	2.00	2.00	2.00	
Fariston	"	1.75	1.75	1.75	
Lily	"	2.00	2.00	2.00	
Corbin	"	1.75	1.75	1.75	
Woodbine	"	2.00	2.00	2.00	
Rockhold	"	1.75	1.75	1.75	
Williamsburg	"	2.00	2.00	2.00	
Pleasant View	"	1.75	1.75	1.75	
Jellico	"	2.00	2.00	2.00	

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.			
		Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Mortons, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
C. & O. R. R.					
(Southern Division.)					
Calvary.....	Ky.	1.75	1.75	1.75	
		2.00	2.00	2.00	
Spurlington.....	"	1.75	1.75	1.75	
		2.00	2.00	2.00	
Campbellsville.....	"	1.75	1.75	1.75	
		2.00	2.00	2.00	
Greensburg.....	"	1.75	1.75	1.75	
		2.00	2.00	2.00	
BARDSTOWN BRANCH.					
Chapeze.....	Ky.	1.75	1.75	1.75	
		1.80	1.80	1.80	
Clermont.....	"	1.75	1.75	1.75	
		1.80	1.80	1.80	
Hobbs.....	"	1.75	1.75	1.75	
		1.80	1.80	1.80	
Deatsville.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Samuels.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Hunters.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Stewarts' Switch.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Bardstown.....	"	1.75	1.75	1.75	
		1.85	1.85	1.85	
Early Times.....	"	1.75	1.75	1.75	
		1.95	1.95	1.95	
Greenbrier.....	"	1.75	1.75	1.75	
		1.95	1.95	1.95	
Woodlawn.....	"	1.75	1.75	1.75	
		1.95	1.95	1.95	
Croakes.....	"	1.75	1.75	1.75	
		2.05	2.05	2.05	
Booker.....	"	1.75	1.75	1.75	
		2.05	2.05	2.05	
Valley Hill.....	"	1.75	1.75	1.75	
		2.05	2.05	2.05	
Springfield.....	"	1.75	1.75	1.75	
		2.05	2.05	2.05	

For rates to Stations not named use rate to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		PER TON OF 2000 POUNDS.			
TO	FROM	Sebree, Ky. Providence, Ky. Madisonville, Ky.	Earlington, Ky. Barnesley, Ky. Morton, Ky. Nortonville, Ky.	Mannington, Ky. Empire, Ky.	
C. & P. DIVISION.					
Kennedy.....	Ky	1.80	1.80	1.80	
Oak Grove.....	"	1.80	1.80	1.80	
Howel.....	"	1.80	1.80	1.80	
Herndon.....	"	1.80	1.80	1.80	
Newstead.....	"	1.80	1.80	1.80	
Julien.....	"	1.80	1.80	1.80	
Gracey.....	"	1.80	1.80	1.80	
ST. LOUIS DIVISION.					
Mt. Vernon.....	Ind.	.60	.60	.60	
Maunie.....	Ill.	1.00	1.00	1.00	
Carmi.....	"	1.00	1.00	1.00	
Enfield.....	"	1.00	1.00	1.00	
McLeansboro.....	"	1.00	1.00	1.00	
Dahlgren.....	"	1.00	1.00	1.00	
Belle Rive.....	"	1.00	1.00	1.00	
Opdyke.....	"	1.00	1.00	1.00	
Mt. Vernon.....	"	1.00	1.00	1.00	
Woodlawn.....	"	1.00	1.00	1.00	
Ashley.....	"	1.00	1.00	1.00	
Beaucoup.....	"	1.00	1.00	1.00	
Nashville.....	"	1.00	1.00	1.00	
Addieville.....	"	1.00	1.00	1.00	
Okawville.....	"	1.00	1.00	1.00	
Venedy.....	"	1.00	1.00	1.00	
New Memphis.....	"	1.00	1.00	1.00	
Mascoutah.....	"	1.00	1.00	1.00	
Belleville.....	"	1.00	1.00	1.00	
East St. Louis.....	"	1.00	1.00	1.00	
O'FALLON BRANCH.					
O'Fallon.....	Ill	1.00	1.00	1.00	
SHAWNEETOWN BRANCH.					
Broughton.....	Ill.	1.00	1.00	1.00	
Eldorado.....	"	1.00	1.00	1.00	
Equality.....	"	1.00	1.00	1.00	
Cypress Junction.....	"	1.00	1.00	1.00	
Shawneetown.....	"	1.00	1.00	1.00	

For rates to Stations not named use rate to Station next beyond named herein.

COAL (ALL GRADES), C L, PER TON OF 2000 POUNDS.

FROM	TO	Memphis, Tenn. Nashville, Tenn. East Nashville, Tenn. West Nashville, Tenn.
Sebree Ky. Providence " Madisonville " Earlington " Barnsley " Mortons " Nortonville " Mannington " Empire "	} } } } } } } } }	} } } } } } } } }

† Does not apply on Coal when for Railroad use, or when destined to points beyond Memphis other than points on the Y. & M. V. R. R.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO		FROM	PER TON OF 2,000 POUNDS.				
			Island, Ky.	Central City, Ky.	Bevier, Ky.	Drakesboro, Ky.	Mud River, Ky.
O. & N. DIVISION.							
Owensboro	Ky	.50	.50	.50	.50	.50	
*Pettit	"	1.00	1.00	1.00	1.00	1.00	.60
*Sutherland	"	1.00	1.00	1.00	1.00	1.00	1.12½
*Crow-Hickman	"	.80	.80	.80	.80	.80	1.12½
Utica	"	.55	.55	.55	.55	.55	.92½
Livia	"	.55	.55	.55	.55	.55	.67½
*Nuckols	"	.55	.55	.55	.55	.55	.67½
Livermore	"	.50	.50	.50	.50	.50	.67½
Island	"		.50	.50	.50	.50	.62½
*Stroud	"	.50	.50	.50	.50	.50	.62½
South Carrollton	"	.50	.50	.50	.50	.50	.62½
Central City	"	.50		.50	.50	.50	.62½
Bevier	"	.50	.50		.50	.50	.62½
Drakesboro	"	.50	.50	.50		.50	.62½
Belton	"	.60	.60	.60	.60	.60	.62½
*Twin Tunnels	"	.60	.60	.60	.60	.60	.62½
Penrod	"	.60	.60	.60	.60	.60	.62½
*Mud River	"	.62½	.62½	.62½	.62½	.62½	.60
Dunmor	"	.65	.65	.65	.65	.65	.65
*Baughs	"	.70	.70	.70	.70	.70	.77½
*Diamond Springs	"	.85	.85	.85	.85	.85	.82½
							.97½

For Rates to Stations not named use Rate to Station next beyond named herein.

*Prepay station.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

TO	FROM	PER TON OF 2000 POUNDS.				
		Island, Ky.	Central City, Ky.	Bevier, Ky.	Drakesboro, Ky.	Mud River, Ky.
O. & N. DIVISION.						
Continued.						
* Wolf Lick..... Ky.		.85	.85	.85	.85	.85
Lewisburg..... "		.85	.85	.85	.85	.97½
Edwards..... "		1.00	1.00	1.00	1.00	.97½
*Epleys..... "		1.00	1.00	1.00	1.00	1.00
Red Oak..... "		1.05	1.05	1.05	1.05	1.12½
Red Oak..... "		1.20	1.20	1.20	1.20	1.17½
*Red River..... "		1.20	1.20	1.20	1.20	1.20
Adairville..... "		1.20	12.0	1.20	1.20	1.32½
						1.32½

For Rates to Stations not named use Rate to Station next beyond named herein.

*Prepay station.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		Per Ton of 2000 Pounds			Per Ton of 2000 Pounds.
TO	FROM		TO	FROM	
		Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.			Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.

N. F. & S. R'Y.	
Continued.	
Iron City.....	Tenn. 1.30
Pruittton.....	Ala. 1.30
Barnesville.....	Tenn. 1.30
Napier.....	1.30
Wayland Spring.....	" 1.30
West Point.....	" 1.30
Pinkney.....	" 1.30
Florence.....	Ala. 1.30
Sheffield.....	" 1.30
Tuscumbia.....	" 1.30
MEMPHIS LINE.	
Rockfield.....	Ky. 1.00
	1.30
South Union.....	" 1.00
	1.30
Auburn.....	" 1.00
	1.30
Dennis.....	" 1.00
	1.20
Russellville.....	" 1.00
	1.20
Ferguson.....	" 1.00
	1.20
Olmstead.....	" 1.00
	1.20
Allensville.....	" 1.00
	1.20
Hadensville.....	" 1.00
	1.20
Guthrie.....	" 1.00
	1.20
Hamptons.....	Tenn. 1.00
St. Bethlehem.....	" 1.00
Clarks ville.....	" 1.00
Hematite.....	" 1.10
Palmyra.....	" 1.10
Cumberland City.....	" 1.10
Erin.....	" 1.15

MEMPHIS LINE.	
Continued.	
Tennessee Ridge.....	Tenn. 1.15
Stewart.....	" 1.15
Danville.....	" 1.15
Stribbling.....	" 1.15
Tennessee River.....	" 1.15
Big Sandy.....	" 1.20
Springville.....	" 1.20
Paris.....	" 1.20
Henry.....	" 1.20
McKenzie.....	" 1.20
Trezevant.....	" 1.20
Atwood.....	" 1.20
Milan.....	"
Humboldt.....	"
Gadsden.....	" 1.40
Bells.....	" 1.40
Brownsville.....	" 1.40
Stanton.....	" 1.40
Keeling.....	" 1.40
Mason.....	" 1.40
Braden.....	" 1.40
Galloway.....	" 1.40
Arlington.....	" 1.40
Brunswick.....	" 1.40
Bartlett.....	" 1.40
Memphis.....	"
H. & G. R. R.	
*Anderson.....	Ky. 1.30
	1.60
*Hermon.....	" 1.30
	1.80
*Bradshaw.....	" 1.30
	1.80
Elkton.....	" 1.30
	1.90

For Rates to Stations not named use Rate to Station next beyond named herein.

* Prepay Station.

RATES ON COAL, CAR LOADS, MINIMUM WEIGHT CAPACITY OF CAR.

		Per Ton of 2000 Pounds.			Per Ton of 2000 Pounds.
TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.	TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.
MAIN LINE.			MAIN LINE.		
Louisville	Ky.	1.40	Continued.		
South Park	"	1.40	Glasgow Junction	Ky.	1.10
Brooks	"	1.60			1.55
Shepherdsville	"	1.40	Rocky Hill	"	1.10
Salt River	"	1.60			1.50
Bardstown Junction ..	"	1.40	Smith's Grove	"	1.10
Belmont	"	1.60			1.50
Lebanon Junction	"	1.40	Oakland	"	1.10
		1.60	Sunnyside	"	1.50
Colesburg	"	1.40	Bristow	"	1.00
		1.60			1.50
Tunnel Hill	"	1.40	Bowling Green	"	1.10
		1.60			1.40
Elizabethtown	"	1.40	Memphis Junction ...	"	1.00
		1.60			1.30
Glendale	"	1.20	Rich Pond	"	1.05
		1.60			1.35
Nolin	"	1.20	Woodburn	"	1.10
		1.60			1.40
Sonora	"	1.20	Franklin	"	1.10
		1.60			1.50
Upton	"	1.20	Mitchellville	Tenn.	1.10
		1.60	Portland	"	1.10
Bonnieville	"	1.20	Fountain Head	"	1.10
		1.60	Buck Lodge	"	1.10
Munfordville	"	1.20	South Tunnel	"	1.20
		1.60	Gallatin	"	1.20
Rowletts	"	1.20	Avondale	"	1.20
		1.60	Hendersonville	"	1.20
Horse Cave	"	1.20	Edgefield Junction ..	"	1.20
		1.60	Madison	"	1.20
Cave City	"	1.10	Maplewood	"	1.20
		1.55	East Nashville	"	
			West Nashville	"	
			Nashville	"	

See 3d Page.

} See 3d Page.

For Rates to Stations not named use Rate to Station next beyond named herein.
 † Slack Coal, C L, to Bowling Green, Ky., 75 cents per ton 2000 lbs. No reduction on Steam Coal.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		Per Ton of 2000 Pounds.			Per Ton of 2000 Pounds.
TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.	TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.
GLASGOW R. R.			LEXINGTON BR.		
Oil City.....	Ky.	1.30	Smithfield.....	Ky	1.80
		1.75	Eminence.....	"	1.80
Glasgow.....	"	1.30	Pleasureville.....	"	1.80
		1.75	Cropper.....	"	1.80
MAMMOTH CAVER R. R.			Christiansburg.....	"	1.80
Grand Avenue Cave..	Ky.	2.10	Bagdad.....	"	1.80
		2.55	Hatton.....	"	1.80
Mammoth Cave.....	"	2.10	Benson.....	"	1.80
		2.55	Frankfort.....	"	1.80
CINCINNATI DIV.			Jett.....	"	1.80
St. Matthews.....	Ky.	1.60	Duckers.....	"	1.80
Lyndon.....	"	1.60	Spring Station.....	"	1.80
Lakeland.....	"	1.60	Midway.....	"	1.80
Anchorage.....	"	1.60	Paynes.....	"	1.80
O'Bannon.....	"	1.65	Yarnallton.....	"	1.80
Pewee Valley.....	"	1.65	Lexington.....	"	1.80
Beard.....	"	1.70	CUMBERLAND VAL- LEY DIVISION.		
Camden.....	"	1.70	Grays.....	Ky.	2.00
Peru.....	"	1.70			2.10
Buckner.....	"	1.80	Barbourville.....	"	2.00
Lagrange.....	"	1.80			2.10
Sulphur.....	"	1.80	Pineville.....	"	2.00
Campbellsburg.....	"	1.80			2.10
Turners.....	"	1.80	SHELBY BRANCH.		
English.....	"	1.80	Avoca.....	Ky.	1.60
Worthville.....	"	1.80	Eastwood.....	"	1.60
Eagle.....	"	1.80	Long Run.....	"	1.60
Sanders.....	"	1.80	Simpsonville.....	"	1.80
Sparta.....	"	1.80	Scotts.....	"	1.80
Glencoe.....	"	1.80	Shelbyville.....	"	1.80
Elliston.....	"	1.80	KNOXVILLE DIV.		
Zion.....	"	1.80	Boston.....	Ky.	1.65
Verona.....	"	1.80	Nelsonville.....	"	1.65
Walton.....	"	1.80	Lyons.....	"	1.65
Bank Liek.....	"	1.80			

For Rates to Stations not named use Rate to Station next beyond named herein.

RATES ON COAL CAR LOADS, MINIMUM WEIGHT CAPACITY OF CAR.

		Per Ton of 2000 Pounds.			Per Ton of 2000 Pounds.
TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.	TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.
KNOXVILLE DIV. (Continued.)			KNOXVILLE DIV. (Continued.)		
Atherton's Switch.... Ky.		1.65	East Bernstadt ... Ky.		1.75
New Haven..... "		1.65			1.90
Gethsemane..... "		1.65	Pittsburg..... "		1.75
New Hope..... "		1.65			1.90
Tilford's Siding..... "		1.65	London..... "		1.75
Coon Hollow..... "		1.65			1.90
Dants..... "		1.65	Fariston..... "		1.75
Chicago..... "		1.65			1.90
Loretto..... "		1.65	Lily..... "		1.75
St. Mary's..... "		1.65			1.90
Lebanon..... "		1.65	Corbin..... "		1.75
Penicks..... "		1.65			1.90
Rileys..... "		1.65	Woodbine..... "		1.75
Gravel Switch..... "		1.65			1.90
Brumfield..... "		1.65	Rockhold..... "		1.75
Mitchellsburg..... "		1.70			1.90
Parksville..... "		4.70	Mahan..... "		1.75
Junction City..... "		1.70			1.90
Shelby City..... "		1.75	Watt's Creek..... "		1.75
Stanford..... "		1.75			1.90
Rowland..... "		1.75	Williamsburg..... "		1.75
		1.80			1.90
Maywood..... "		1.75	Pleasant View..... "		1.75
		1.80			1.90
Crab Orchard..... "		1.75	Mountain Ash..... "		1.75
		1.80			1.90
Gum Sulphur..... "		1.75	Saxton..... "		1.75
		1.80			1.90
Brodhead..... "		1.75	Jellico..... "		1.75
		1.80			1.90
Maretburg..... "		1.75	C. & O. RAILROAD. (Southern Division.)		
		1.80	Calvary..... Ky.		1.75
Mount Vernon..... "		1.75			1.90
		1.80	Spurlington..... "		1.75
Pine Hill..... "		1.75			1.90
		1.90	Campbellsville..... "		1.75
Livingston..... "		1.75			1.90
		1.90	Greensburg..... "		1.75
Hazel Patch..... "		1.75			1.90
		1.90			

For Rates to Station not named use Rates to Station next beyond named herein.

**RATES ON COAL, CAR LOADS, MINIMUM WEIGHT
CAPACITY OF CAR.**

		Per Ton of 2000 Pounds.			Per Ton of 2000 Pounds.
TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.	TO	FROM	Island, Ky. Central City, Ky. Bevier, Ky. Drakesboro, Ky. Mud River, Ky.
BARDSTOWN BR			CLARKSVILLE MINERAL BR.		
Chapeze	Ky	1.75	Marion	Tenn.	1.30
Clermont	"	1.75	Slayden	"	1.30
Hobbs	"	1.75	Van Leer	"	1.30
		1.80	Sylvia	"	1.30
Deatsville	"	1.75	Cumberland Furnace	"	1.30
		1.80	*Raimey	"	1.30
Samuels	"	1.75			
		1.80			
Hunters	"	1.75			
		1.80			
Stewart's Switch	"	1.75			
		1.80			
Bardstown	"	1.75			
		1.80			
Early Times	"	1.75			
		1.90			
Greenbrier	"	1.75	Kennedy	Ky.	1.30
		1.90	Oak Grove	"	1.30
Woodlawn	"	1.75	Howel	"	1.30
		1.90	Herndon	"	1.30
Croakes	"	1.75	Newstead	"	1.30
		2.00	Julian	"	1.30
Booker	"	1.75	Gracey	"	1.30
		2.00			
Valley Hill	"	1.75			
		2.00			
Springfield	"	1.75			
		2.00			
			C. & P. DIVISION.		
			Kennedy	Ky.	1.30
			Oak Grove	"	1.30
			Howel	"	1.30
			Herndon	"	1.30
			Newstead	"	1.30
			Julian	"	1.30
			Gracey	"	1.30

For Rates to Stations not named use Rates to Stations next beyond named herein.

*Prepay Station.

COAL (ALL GRADES), C. L. PER TON OF 2000 POUNDS.

FROM	TO	Memphis, Tenn. Nashville, Tenn. E. Nashville, Tenn. W. Nashville, Tenn.
Island Ky. Central City " Bevier " Drakesboro " Mud River "	} †95	1.00

†Does not apply on coal when for railroad use, or when destined to points beyond Memphis other than points on the Y. & M. V. R. R.

New and Proposed Lines.

Since our last annual report, a number of new railroad corporations have filed articles of incorporation as shown by the following list and statement of the proposed extensions, viz.:

January 1st, 1902.—The Florence Iron, Phosphate and Railroad Company, filed its articles of incorporation. .

January 29th, 1902.—The Glasgow and Burkesville and Cumberland Traction Company, filed articles of incorporation, authorizing it to construct a railroad from Glasgow, in Barren county, through Barren, Metcalfe and Cumberland counties, a distance of forty miles.

February 5th, 1902.—The St. Louis, Nashville & Southern Railway Company filed articles of incorporation, authorizing it to construct a railroad from Carrsville, in Livingston county, through that, Lyon, Christian and Trigg counties to the Tennessee line, a distance of ninety miles.

February 26th, 1902.—The Newport & Alexandria Electric Traction Company filed articles of incorporation authorizing it to construct a railroad, twelve miles long, from Newport to Alexandria, in Campbell county.

March 7th, 1902.—The Blue Grass Traction Company filed articles of incorporation authorizing it to construct lines of electric railroad centering at Lexington, and running into Fayette and neighboring counties. This company is now building a line to Paris, and is actively at work securing rights of way for several of its other projected lines.

April 1st, 1902.—The South & Western Railway Company filed articles of incorporation, authorizing it to construct a railroad from the Breaks of Sandy, in Pike county, to Pikeville, a distance of forty miles. This road would open for development, fine virgin forests and rich coal fields.

April 2d, 1902.—The Mt. Sterling & Sharpsburg Electric Railway Company filed articles of incorporation, authorizing it to con-

struct an electric railroad from Mt. Sterling, in Montgomery county, to Sharpsburg, in Bath county, a distance of twelve miles.

April 7th, 1902.—The Big Sandy Railway Company filed articles of incorporation, authorizing it to construct a railroad from Whitehouse, in Johnson county, up the Big Sandy river through Floyd and Pike counties to the Virginia line, a distance of eighty miles. This road is now under construction and opens for development the finest coal fields in Kentucky.

May 6th, 1902.—The Clear Fork Railroad Company filed articles of incorporation, authorizing it to construct a railroad up Clear Fork creek, in Bell county, for a distance of five miles.

May 8th, 1902.—The Grand Rivers & Southern Railway Company filed articles of incorporation, authorizing it to construct a railroad from Grand Rivers, in Livingston county, through Livingston, Lyon and Trigg counties to Rockcastle, in Trigg county, a distance of sixteen miles. This railroad will traverse a section rich in fluor-spar, timber, coal and other minerals.

May 8th, 1902.—The Clear Fork Railroad Company filed amended articles of incorporation, correcting a clerical error in the original instrument.

May 12th, 1902.—The Knoxville, La Follette & Jellico Railroad Company filed a copy of its charter, under the laws of Tennessee. This railroad is practically an extension of the Knoxville division of the Louisville & Nashville Railroad from Jellico to Knoxville, Tennessee, and is now under construction.

May 14th, 1902.—The Falls City Belt Line Railway Company filed articles of incorporation authorizing the construction of a belt line railroad in Louisville, two miles in length.

May 14th, 1902.—The Louisville & Mt. Washington Railway Company filed articles of incorporation, authorizing it to construct an electric railroad from Louisville to Mt. Washington, in Bullitt county, a distance of sixteen miles, with an extension into Nelson county.

May 19th, 1902.—The Middlesborough Mineral Railway filed amended articles of incorporation, authorizing an extension from Yellow creek, in Bell county, through that county and into Harlan county, a distance of one hundred miles. This road would reach inexhaustible coal fields and lands rich in timber.

May 22d, 1902.—The Kentucky & Tennessee Railroad filed articles of incorporation which authorize it to construct a railroad

from Stearns, in Whitley county, down the Cumberland river, a distance of eighteen miles.

✓ May 23d, 1902.—The Kentucky Northern Railroad filed articles of incorporation, authorizing it to construct a railroad from some point near Miller's creek, on the Louisville & Atlantic Railroad, to some point on the Lexington & Eastern Railway, through Estill and Lee counties, a distance of fifteen miles.

✓ June 10th, 1902.—The Wasioto, Cumberland River & Black Mountain Railroad Company filed articles of incorporation, which authorize it to construct a railroad in Bell county for a distance of eight miles into rich coal fields.

June 12th, 1902.—The Big Sandy Railway Company of Virginia and the Big Sandy Railway Company of Kentucky, filed their agreement of consolidation under the name of the Big Sandy Railway Company, which is authorized to acquire the constituent properties of each.

✓ June 13th, 1902.—The Ohio Valley Traction Company filed articles of incorporation authorizing it to construct a railroad from Milton, in Trimble county, through Carroll, Gallatin, Boone and Kenton counties to Cincinnati, a distance of sixty miles.

June 27th, 1902.—The Ashland Coal & Iron Railway filed amended articles of incorporation. This was for the purpose of allowing that company to reduce its capital stock and dispose of mining and furnace property which it had operated for many years.

July 11th, 1902.—The Elizabethtown, Lexington & Big Sandy Railway Company, the Ohio & Big Sandy Railroad Company, the Ohio River & Charleston Railway Company of Kentucky and the Kentucky & South Atlantic Railway Company filed a copy of their agreement of consolidation under the name of the Lexington & Big Sandy Railway Company.

✓ July 21st, 1902.—The Cumberland Railroad Company filed articles of incorporation, authorizing it to construct a railroad in Knox county, ten miles in length. This will be a coal carrying road and develop some fine coal mines.

✓ August 4th, 1902.—The Sandy Valley & Elkhorn Railway Company filed articles of incorporation, authorizing it to construct a line of railroad from a point opposite Ironton, Ohio, through Greenup, Boyd, Lawrence, Johnson, Pike and Letcher counties, a distance of one hundred and sixty miles. This road will likely

be constructed, and will develop the richest in minerals of any region of the State.

September 1st, 1902.—The Tennessee Central Railroad Company filed a copy of its charter, under the laws of Tennessee, thus becoming a domestic corporation and being authorized to construct a line in Kentucky. Grading has been begun on this road which will extend from Hopkinsville to Nashville, Tennessee.

September 15th, 1902. The South & Western Railway Company in Kentucky filed articles of consolidation, which consolidated that company with the South & Western Railway Company in Virginia and Tennessee.

September 27th, 1902.—The River Road Company filed articles of incorporation, authorizing the construction, or purchase, of an electric, or steam railroad from Louisville to Prospect, a distance of twelve miles.

November 11th, 1902. The Brownsboro Railway Company filed articles of incorporation, which authorize the construction of an electric or steam railway from the city of Louisville through Jefferson, Oldham and adjoining counties, a distance of fifteen miles.

November 25th 1902.—The Southern Railway Company in Kentucky filed amended articles of incorporation, which authorizes the extension of its line from Harrodsburg, or Burgin, to Danville, a distance of about ten miles. Work on this extension will be commenced at an early date.

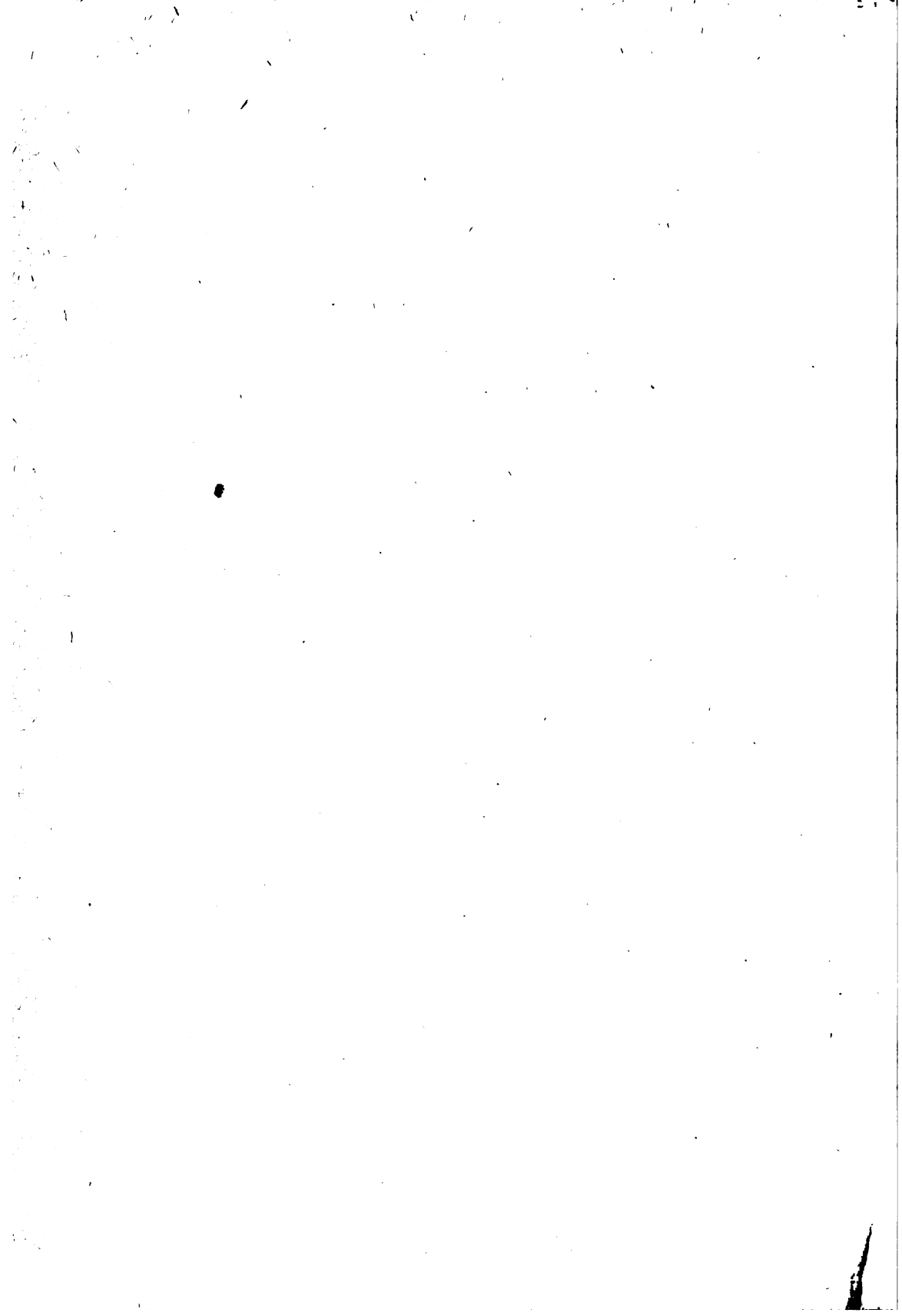
Appendix "B"

PROCEEDINGS BY THE
COMMISSION

BEFORE THE

Interstate Commerce Commission

TO DECEMBER 1, 1902.



Complaint Before the Interstate Commerce Commission.

The Railroad Commission of Kentucky, a public corporation created by the Constitution of said State, and with the powers conferred upon it by statute, consisting of J. F. Dempsey, John C. Wood and C. C. McChord, Complainant.

vs.

The Atlantic Coast Line Company, the Atlantic Coast Line Railroad Company, the Louisville & Nashville Railroad Company, the Southern Railway Company, the Southern Railway in Kentucky, the Southern Railway in Indiana, the Cincinnati, New Orleans & Texas Pacific Railway Company, the Cincinnati Southern Railroad Company, the Illinois Central Railroad Company, the Chicago, Indianapolis & Louisville Railway Company, Defendants.

The Railroad Commission of Kentucky, by its commissioners, J. F. Dempsey, John C. Wood, and C. C. McChord, respectfully show:

I.

That the complainant, the Railroad Commission of Kentucky, is a public corporation, created under and by the Constitution of the State of Kentucky, and with certain defined rights and duties under the statutes of the Commonwealth of Kentucky, and that as such commission it is made its duty by the statutes of the Commonwealth of Kentucky, to see that the laws relating to all railroads, except street railroads, are faithfully executed and to exercise a general supervision over the railroads of the State; and that whenever it shall come to the knowledge of said Railroad Commission, or that it shall have reason to believe that the laws affecting railroad corporations in their business relations to the public have been violated, the said commission shall prosecute, or cause to be prosecuted,

the corporations or persons guilty of such violations, and when such corporations violate, or are about to violate, the provisions of the Interstate Commerce Act, it is made the duty of said commission to present the facts to this honorable commission, and to appeal to it for relief, and this petition of complainant is filed herein in pursuance to the requirements of the laws of the Commonwealth of Kentucky, and under the powers given by the Constitution of the State of Kentucky, and the statutes enacted in pursuance thereof.

II.

Your complainant further represents that the Louisville & Nashville Railroad Company is a corporation organized and existing under the laws of the State of Kentucky, with power to construct, maintain and operate railroads in other States, and now owns absolutely, or through ownership of the entire capital stock, about twenty-eight hundred miles of railway, located in the States of Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Virginia, and Florida, and controls other lines of railway from which it receives the earnings of about three hundred and forty miles, and operates under lease nearly two thousand miles more of railroads situate in the States of Alabama, Kentucky, Tennessee and Georgia, making a total of lines owned, operated or controlled of about fifty-two hundred miles of railroads, having its main terminal points in the city of St. Louis, in the State of Missouri, in the city of Cincinnati, in the State of Ohio, in the city of Louisville, in the State of Kentucky, in the cities of Nashville and Memphis, in the State of Tennessee, in the cities of Birmingham, Montgomery, and Mobile, in the State of Alabama, in the city of Pensacola, in the State of Florida, in the city of New Orleans, in the State of Louisiana, and in the cities of Atlanta, Savannah, Macon, and Augusta, in the State of Georgia.

Your complainant further states that the Southern Railway, a defendant herein, owns, controls or operates lines of railway comprising a mileage of about six thousand, one hundred miles, operating in and reaching points in the States of Missouri, Tennessee, Kentucky, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and Maryland, and with terminal points and arrangements and operation in the cities of St. Louis,

Mo., Memphis, Tenn., New Orleans, La., Mobile, Ala., Louisville, Ky., Cincinnati, Ohio, Chattanooga, Tenn., Atlanta, Ga., Brunswick, Ga., Savannah, Ga., Charleston, S. C., Richmond, Va., Norfolk, Va., Baltimore, Md., Washington, District of Columbia, and many other important railway centers throughout the States above named.

Your complainant further shows that the Illinois Central Railroad Company is a corporation owning, controlling or operating about four thousand miles of railroad, situate in the States of Illinois, Iowa, Kentucky, Tennessee, Mississippi, Louisiana, and Alabama, and with terminal points where railway operations are carried on in the city of Chicago, in the State of Illinois, in the city of Memphis, in the State of Tennessee, in the city of New Orleans, in the State of Louisiana, and in the city of Louisville, in the State of Kentucky.

Your complainant further represents that the Southern Railway Company in Kentucky is a corporation organized and existing under the laws of the State of Kentucky, with railway lines from Louisville, in Kentucky, to the city of Lexington, and also to Burgin, where it connects with the Cincinnati Southern, now operated by the Cincinnati, New Orleans & Texas Pacific Railway Company, and at Georgetown, Kentucky, where a similar connection is made and that the lines of said railway are under the control and management of the Southern Railway Company.

Your complainant further represents that the Cincinnati Southern Railroad Company is a corporation with a line constructed and operated from Cincinnati, in the State of Ohio, to Chattanooga, in the State of Tennessee, passing through the States of Ohio, Kentucky, and Tennessee, and the railroad line of which is operated by a corporation known as the Cincinnati, New Orleans & Texas Pacific Railroad Company, which operates the Cincinnati Southern and other lines, by which a through line is operated and maintained from the city of Cincinnati, in the State of Ohio, and from the city of Louisville, in the State of Kentucky, to the city of Chattanooga, in the State of Tennessee, and directly or indirectly to the city of New Orleans, in the State of Louisiana.

Your complainant further represents that the Chicago, Indianapolis & Louisville Railway Company is a corporation controlling and operating a railroad from the city of Chicago, in the State of Illinois, to the city of Indianapolis, in the State of Indiana, and

also to the city of Louisville, in the State of Kentucky, with lines situate in the States of Illinois, Indiana, and Kentucky, and owning and operating about five hundred and fifty miles of railroad through the States and into the States above named, and with connecting lines into the city of Cincinnati in the State of Ohio.

Your complainant further states that the Southern Railway in Indiana is a corporation operating a railroad from the city of Louisville in the State of Kentucky to the city of St. Louis in the State of Missouri, and operating a line of railroad into or through the States of Kentucky, Indiana, Illinois, and Missouri, and that said Southern Railway in Indiana is owned, controlled, and operated by the Southern Railway Company.

Your complainant further represents that the Atlantic Coast Line Company is a corporation controlling and operating about eighteen hundred miles of railroad situate in the States of Virginia, North Carolina, South Carolina, Florida, Georgia, and Alabama, and with railroad connections into the cities of Richmond, Virginia, Wilmington, North Carolina, Columbia, South Carolina, Augusta, Georgia, Atlanta, Georgia, Macon, Georgia, and other intermediate and important railway points in said States.

By consolidation with other lines of railroad, or by the acquisition of a majority of the capital stock of such companies, including that of the Atlantic Coast Line Railroad Company, a corporation created and organized under the laws of the State of Virginia, and of the Plant System of Railroads, a corporation operated under the laws of the State of, now owns, controls, and operates more than five thousand miles of railroads in and through the above named States.

III.

Your complainant further states that the above named railway lines cover all the important railroad points and all the railroad lines within the territory south of Baltimore, Louisville, and the Ohio river to the Gulf of Mexico, and eastwardly from the Mississippi river to the Atlantic Ocean, and aggregating in mileage about twenty-five thousand miles, with an operating income annually of more than one hundred and thirty millions of dollars.

Your complainant further states that the firm of J. P. Morgan & Company, of the city of New York, and which is a large banking

firm engaged in the promotion of railway combinations and other enterprises of a similar character, has its place of business in the city of New York, and by the purchase of stocks and bonds, and the control of other securities, has become in effect either the legal owner of said property, or as trustees for the owners of the stock in said companies, has secured practically the control and management and operation of the affairs of all these various railroad lines above referred to and described.

Your complainant further states that in order to secure control of the traffic of the vast territory hereinbefore named, the said firm of J. P. Morgan & Company, then holding the voting power of a majority of the stock of the Southern Railway Company, acquired either for itself or for others connected with it in the management and control of the Southern Railway Company, the ownership and control of what was before known as the Louisville, Evansville, & St. Louis Railway Company, which was a line of railway from the city of Louisville in the State of Kentucky, through the State of Indiana and the State of Illinois, to the city of St. Louis in the State of Missouri, being about four hundred and fifty miles of railroad, for and on behalf of the Southern Railway, a corporation organized under the laws of Virginia, and for its benefit and behoof, said J. P. Morgan & Company, acting for itself, or as trustee for the owners of the said stock of the Southern Railway Company, acquired said line, and it is now operated by the Southern Railway Company as a part of its system.

Your complainant further shows that as a second step in the progress of consolidation of the said railway lines in said territory, and for the purpose of controlling the traffic and commerce which should come from the Northwest into said territory, the said J. P. Morgan & Company, acting as trustees for the Southern Railway Company, or for the stockholders owning and controlling the Southern Railway Company, entered into an arrangement and combination with the Louisville & Nashville Railroad, by which two said railroads, that is, the Louisville & Nashville Railroad and the Southern Railway Company secured the control of a majority of the stock of the Chicago, Indianapolis & Louisville Railroad Company, and said line so purchased by said railway companies was to be used for the joint benefit of said companies, and for the purpose of controlling traffic which should come from the Northwest along said line, and should be distributed throughout the

schedules and terms and rates of every kind to all smaller roads which had not been acquired or absorbed.

Your complainant further states and charges the fact to be, that this purchase, consolidation and ownership under what has now been denominated "a community of interest," means nothing more nor less than the placing of the commerce of this entire section under the control and operation of a very few men, and all of which is and will continue to be dominated by the firm of J. P. Morgan & Company.

Your complainant further states, that by the act providing for the regulation of interstate commerce, it is provided: "That it shall be unlawful for any common carrier, subject to the provisions of this act, to enter into any contract, agreement or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or any proceeds of the earnings of such railroads or any operation thereof."

And it is further provided by said act, "That every common carrier subject to the provisions of said law shall file with the Interstate Commerce Commission copies of all contracts, agreements or arrangements with other common carriers in relation to any traffic affected by the provision of this act to which it may be a party."

And by an amendment to said act it was further provided, "That the Interstate Commerce Commission shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created."

And it was further provided by said act, "For the purposes thereof the Interstate Commerce Commission shall have power to require by subpoena the attendance and testimony of witnesses, and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation."

And it was further provided by said act, "Said commission shall in like manner investigate any complaint forwarded by the Railroad Commissioner or Railroad Commission of any State or

Territory at the request of any such commissioner or commission, and shall institute any inquiry on its own motion that it shall deem proper, and to have the same effect as though complaint had been made."

Your complainant states that the said companies affected by the agreements, combinations and arrangements hereinbefore set out have not filed with the Interstate Commerce Commission copies of all contracts, agreements or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And your complainant charges that these combinations, arrangements and sales do affect, and will affect in a large measure all the traffic over the railroads in the ten States above named.

Your complainant further states and charges that said arrangements, combination, provision, purchase and sale for the producing of what is called a "community of interest" is simply an agreement or combination by which all the freights of all the roads named shall be pooled or controlled or routed so as to prevent competition, and that all the railroads above named are, more or less, competing railroads, and this scheme for their consolidation, joint ownership and joint control is simply to pool the freights and to divide between these railroads in such proportion as those controlling or managing this combination shall desire, the aggregate or net proceeds of the earnings of such railroads, and the several portions thereof.

Your complainant further charges that by this ownership, managed, directed and operated by a few men for a common purpose, all competition will be destroyed and removed, and that the roads both for freight and passenger service, within the territory named, instead of being controlled and governed by the ordinary conditions which control and govern the movement of freight and transportation of passengers, will, under a single head and by the operations of the officials of a single company be moved either over one or the other of the said lines. That rates will be advanced and that the several communities will and can be discriminated against, and that instead of having a healthy and reasonable competition, which is essential to the life of trade, competition will be removed, freight will be routed or sent over either one or the other of these several lines in order to maintain increased earnings or to create fictitious earnings to give fictitious

values, and the business of these ten States will thus be dominated and controlled by a few individuals who can at all times by the exercise of the extraordinary powers secured by this combination, arrangement, and purchase, increase and change rates so as to affect and destroy the business of any one community, or any one city, and to change and alter the value of any one commodity, and to practically control and direct as such few individuals may determine the entire business, crops, mines, lands and products of all these States through which these railroads are operated and used.

Your complainant further charges and states the fact to be that by this method of control and operation the commerce of these several States will become subject to the dictation of a few individuals, that by the tremendous combination of the powers thus secured, legislation may be had, traffic may be impeded, and business destroyed in any part of this territory which it may be found necessary for the purposes of this combination and of these individuals to change, affect or destroy.

Your complainant further charges and states the fact to be that the object and purpose of the purchases, combinations, contracts and agreements for the purpose of placing all these railways under the control of a single firm or a few individuals, is to control, direct and manipulate the railroad traffic in the several States above named, to destroy all competition, and under such form and arrangement to practically pool all the business of all these railroads in all this territory for the purpose of producing enormous profits and creating fictitious values for those who have thus, by this combination and arrangement, the control and operation, and operation and manipulation of the railroad traffic in this vast territory, and thereby to place all the business and the products of over sixteen millions of people, in four hundred and twenty-two thousand square miles, under the control and domination of a single individual.

Your complainant further states and charges that this combination, arrangements and agreement of purchase is in violation of both the letter and the spirit of the laws of the United States, and also of the several States involved in the foregoing transaction, and that this arrangement and combination is made for the sole and single purpose of placing the trade and commerce, as well as the products of these ten States, practically under the dom-

ination and operation of a single man, or at least of a very small number of individuals.

Your complainant therefore prays that your honorable body shall investigate this complaint, and shall examine the contracts, agreements and arrangements made for the control of the business of these railroads in the States hereinbefore named; to require, by subpoena, the attendance and testimony of witnesses, and the production of books, and papers, and tariffs, and agreements, and documents, relating to the matters herein set forth; and to inquire into the management of the business of the several common carriers or railroads herein named; and to demand full and complete information, such as will enable this honorable body to determine the plan, purposes and character of the combination and agreements hereinbefore described; and to require all of the defendants herein named to file with this commission copies of all contracts, or agreements, or arrangements, with each other or with any corporation or individual in relation to the matters herein charged and set out; and to inquire and determine whether the contracts, agreements or combinations between the railroads hereinbefore named is not a chosen plan, unlawful combination and conspiracy for the purpose of pooling the freights of the different and competing railroads, controlled, governed and dominated as herein set forth, and is a device to enable them to divide the aggregate net proceeds of the earnings of such railroads, or some portion thereof, so as to equalize the earnings of each, and by such classification and direction of traffic and of earnings to create great, fictitious and unreasonable values; and to inquire into the effect the combinations, agreements and contracts made between said railroads, or made for them by those claiming to control a majority of the stock of said railroads, will have upon the traffic of the ten States hereinbefore named; and to inquire into the powers which will be derived or exercised from such combination, agreement, purchase or control, and what will be the result of the vesting of such power in a few men under the plans and contracts and agreements now existing for the control and operation of all of the railroads named herein within the territory before described, and to make such investigation and examination and to require the production of such papers as will enable this commission, or others interested, to determine not only the effects, but the consequences, as well as the purposes of those who are making such combination, agreement, arrangement or

contracts among themselves, or with others, for the control and operation of all the railroad companies made defendants in this complaint. And for such other information as this commission shall think and determine, under all the circumstances, is proper and needful to have for a full understanding of the plans, purposes, arrangements and contracts of the parties who are now, as complainant charges, about to secure control of the railroads hereinbefore named and described, and to enter all such orders as may be necessary to protect public interests and welfare, and take such steps as may be deemed proper to prevent a violation of the laws affecting all such matters.

Done at Frankfort, Ky., this 17th day of October, 1902.

THE RAILROAD COMMISSION OF KENTUCKY,

By C. C. McCHORD, Chairman,
J. F. DEMPSEY,
JOHN C. WOOD,
Commissioners.

***The separate answer of the Atlantic Coast
Line Railroad Company to the Petition
filed against it and others by the Railroad
Commission of Kentucky, before the Inter-
state Commerce Commission.***

This respondent for answer to said petition states as follows:

I.

Respondent admits the allegation contained in section 1 of said petition, so far as said allegation affects it.

II.

Respondent has no knowledge or information sufficient to form a belief as to the several allegations contained in section 2 of said petition, except that it admits that the Louisville & Nashville Railroad Company is a corporation organized and existing

under the laws of the State of Kentucky, with power to construct, maintain and operate railroads in other States, and that it is operating railroads substantially as stated in said complaint. It denies that the Atlantic Coast Line Company operates the roads of this respondent while it admits that it owns a control of its capital stock.

III.

Respondent has no knowledge or information as to the allegations contained in section 3 of said complaint, except that it denies the allegation that J. P. Morgan & Company have control of the stock of this respondent, and admits the allegations as to the powers given to the Interstate Commerce Commission by the acts of Congress as stated in said complaint.

IV.

Respondent further answering said complaint, while the facts hereinafter stated are not strictly called for or demanded by any allegation in said complaint contained, but desiring to submit all facts as to this respondent's contract and agreement to purchase stock of the Louisville & Nashville Railroad Company, says:

Respondent has contracted with J. P. Morgan & Company, to purchase on or before the 31st day of December, A. D., 1902, and J. P. Morgan & Company have contracted to deliver to respondent on or before that date, 306,000 shares of the capital stock of the Louisville & Nashville Railroad Company; the Louisville & Nashville Company has assented thereto, and in order to fully exhibit and set forth the action that has taken by this respondent; in that respect, respondent files herewith, as an exhibit, marked "Exhibit A," a copy of the proceedings and action of its board of directors held in the 9th day of October, A. D., 1902, which it prays may be taken as a part of this answer, the same as if herein again in full repeated.

V.

Respondent denies each and every allegation in said complaint contained which charges it, either directly or indirectly, with any unlawful combination, act or thing, in any manner or

form, in connection with any of the matters or things complained of.

And having fully answered, respondent prays to be hence dismissed.

ATLANTIC COAST LINE RAILROAD COMPANY.

By W. G. ELLIOTT, President.

STATE OF NORTH CAROLINA, }
COUNTY OF NEW HANOVER. }

W. G. Elliott, being duly sworn, says that he is the president of the Atlantic Coast Line Railroad Company, respondent herein, and that the foregoing answer is true as he verily believes.

W. G. ELLIOTT.

Subscribed and sworn to before me this 10th day of November, A. D., 1902.

ROBT. D. CRONLY,

(Seal)

Notary Public.

The separate answer of the Atlantic Coast Line Company to the Petition filed against it and others by the Railroad Commission of Kentucky, before the Interstate Commerce Commission.

Respondent for answer to said petition says:

I.

Respondent admits the allegations contained in section 1 of said petition, so far as said allegations affect it.

II.

Respondent has no knowledge or information as to the several allegations contained in section 2 of said complaint, except that it denies the allegation that it operates railroads as therein stated, while it admits that it is the holder of stocks and other securities of railroad companies.

III.

Respondent has no knowledge or information as to the allegations contained in section 3 of said complaint, except that it denies the allegation that J. P. Morgan & Company have secured control of the stock of this respondent, and admits the allegations as to the powers given by acts of Congress to the Interstate Commerce Commission as stated in said complaint.

IV.

Respondent denies each and every allegation in said complaint contained, which charges respondent either directly or indirectly, with any unlawful combination, act or thing, in any manner or form, in connection with any of the matters or things complained of.

And having fully answered, respondent prays to be hence dismissed.

ATLANTIC COAST LINE COMPANY.

By W. G. ELLIOTT, General Counsel.

STATE OF NORTH CAROLINA, }
COUNTY OF NEW HANOVER. }

W. G. Elliott, being duly sworn says that he is the secretary of The Atlantic Coast Line Company, respondent herein, and that the foregoing answer is true, as he verily believes.

(Signed) W. G. ELLIOTT.

Subscribed and sworn to before me this 10th day of November, A. D. 1902.

ROBT. D. CRONLY,

(Seal)

Notary Public.

The answer of the Louisville & Nashville Railroad Company to the Complaint filed before the Interstate Commerce Commission, by the Railroad Commission of Kentucky.

This respondent, saving unto itself the benefit of all exceptions to the manifest errors and insufficiencies in said complaint contained, for answer unto so much thereof as it is advised is material to be answered, answering says:

I.

Whether the complainant is a public corporation, created under and by the Constitution of the State of Kentucky, and whether the rights and duties of complainant under the Constitution and statutes of Kentucky are such as are set forth in the complaint, are questions of law which require no answer.

Respondent is advised and insists, however, that it is neither the duty nor the right of complainant to institute or prosecute the complaint filed in this case.

II.

Respondent admits that it is a corporation organized and existing under the laws of the State of Kentucky, with power to construct, maintain and operate railroads in Kentucky and in other States; that it now owns absolutely 3,175.13 miles of railroad; that it operates 269 miles of railroad not owned by it; that it is interested in 1,822.84 miles of railroad operated under separate organizations, and that it owns 274.90 miles of road operated by other companies.

Respondent admits that its said system of railroad is located in the States of Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Virginia, Florida, Indiana, Illinois, Missouri and Georgia, all of which will more fully appear in detail from the annual reports made by respondent to the Interstate Commerce Commission.

Respondent admits that the main terminal points of above-mentioned railroads are in the city of St. Louis, in the State of Missouri; in the city of Cincinnati, in the State of Ohio; in the city of Louisville, in the State of Kentucky; in the cities of Nashville and Memphis, in the State of Tennessee; in the cities of Decatur, Birmingham, Montgomery and Mobile, in the State of Alabama; in the city of Pensacola, in the State of Florida; in the city of New Orleans, in the State of Louisiana, and in the cities of Atlanta and Augusta, in the State of Georgia.

Respondent admits that the Chicago, Indianapolis and Louisville Railway Company is a corporation owning, controlling and operating a railroad from the city of Chicago, in the State of Illinois, to the city of Indianapolis, in the State of Indiana, and also to the city of Louisville, in the State of Kentucky, with lines situated in the States of Illinois, Indiana and Kentucky, and owning and operating about 550 miles of railroad through and into the States last above named, and with connecting lines into the city of Cincinnati, in the State of Ohio.

As to the other corporations mentioned in section 2 of the complaint, respondent has no such knowledge, information or belief as will enable respondent to either admit or deny the facts alleged in reference thereto.

III.

Respondent denies, upon information and belief, that the railway lines mentioned in section 2 of the complaint cover all the most important railroad points within the territory described in the complaint. Respondent has no knowledge, information or belief as to the aggregate mileage, nor as to the annual operating income of said railway lines.

Respondent is informed and believes that the firm of J. P. Morgan & Company, of the city of New York, is a large banking firm, engaged in a general banking business, including the purchase and sale of railway stocks, bonds and other securities; but as to whether said firm is engaged in the promotion of railway combinations, or of other enterprises of a similar character, respondent has no knowledge, information or belief.

Respondent has no information or belief that said firm is the legal owner of the railway properties described in section 2 of the complaint; nor that said firm, as trustees for the owners of

the stock in said companies, or in any other way, has secured practically, or at all, the control, or management, or operation of the affairs of all or any of the various railroad lines mentioned in section 2 of the complaint. On the contrary, respondent is informed, believes and so avers that the Illinois Central Railroad Company, the Southern Railway Company, the Atlantic Coast Line Railroad Company, the Chicago, Indianapolis & Louisville Railway Company and respondent, severally and independently control, manage and operate their respective lines of railway, under their respective charters, each of them being free from the control, management or operation of the other, and all of them being free from the control, management or operation of said firm of J. P. Morgan & Company, or of any other firm or individual.

Respondent has no knowledge, information or belief, as to whether said firm of J. P. Morgan & Company now holds, or has ever held, the voting power of a majority of the stock of the Southern Railway Company; nor as to whether said firm, either for itself or for others connected with it, ever acquired the ownership or control of what was before known as the Louisville, Evansville & St. Louis Railway Company; nor as to whether said firm, if it ever acquired said ownership or control, acquired it for or on behalf of the Southern Railway, or for its benefit or behoof; nor as to whether said firm, if it ever acquired said management and control, acted for itself, or as trustee for the owners of the stock of the Southern Railway Company.

Respondent admits that it is informed that the line of said Louisville, Evansville & St. Louis Railway Company is now operated by the Southern Railway Company as a part of its system.

Respondent denies that said firm of J. P. Morgan & Company, either as trustees for the Southern Railway Company or as trustees for the stockholders owning or controlling the Southern Railway Company, entered into any arrangement or combination with respondent by which respondent and the Southern Railway Company secured the control of a majority of the stock of the Chicago, Indianapolis & Louisville Railway Company. Respondent denies that the line of the Chicago, Indianapolis & Louisville Railway Company has ever been purchased by respondent or by the Southern Railway Company.

Respondent admits that it and the Southern Railway Company have jointly acquired a majority of the stock of said Chicago, Indianapolis & Louisville Railway Company. The manner in

which said stock was acquired, and the object of acquiring it, are fully set forth in a written agreement dated July 1, 1902, made and entered into between respondent and the Southern Railway Company and the Standard Trust Company, of New York. A copy of said agreement is here filed (marked "Exhibit A.") to this answer, and prayed to be taken as a part hereof. Neither respondent, nor the Southern Railway Company, nor said firm of J. P. Morgan & Company, have any interest in, or any ownership, management or control over, said Chicago, Indianapolis & Louisville Railway Company other than is fully set forth in said agreement.

Respondent denies that said agreement was entered into in order to secure control of the traffic of the vast territory described in the complaint. Respondent denies that said agreement was entered into for the purpose of consolidating respondent with the Southern Railway Company, or for the purpose of controlling the traffic and commerce which should come from the northwest into said territory, or for the purpose of controlling traffic which should be distributed throughout the territory south of the Ohio river, or for any other purpose than is fully disclosed in said agreement.

Respondent admits that the majority of stock of the Chicago, Indianapolis & Louisville Railway Company, so acquired by respondent and the Southern Railway Company, was placed in trust with the Standard Trust Company of New York, and that certain collateral bonds were issued based upon said stock, as fully shown in a trust indenture dated July 1, 1902, by and between respondent and the Southern Railway Company of the first part, and the Standard Trust Company of New York of the second part, a copy of which indenture is here filed (marked "Exhibit B.") to this answer and prayed to be taken as part hereof.

Respondent denies, upon information and belief, that either said firm of J. P. Morgan & Company, or said Southern Railway Company, have acquired the control of a majority of respondent's capital stock; neither said firm of J. P. Morgan & Company, nor Southern Railway Company appear upon respondent's books as owners of any part of respondent's capital stock.

Respondent is advised that the shares of its capital stock are owned by its stockholders, who have the right to sell and dispose of the same as they may deem proper; that respondent has no power to prevent its stockholders from selling their shares, or to prevent any one from purchasing the shares so sold. Respond-

ent is advised that it has no power to inquire into the motives which may actuate its stockholders in selling their shares, or to inquire into the motives of those who may purchase such shares.

Respondent is advised that this honorable commission has no jurisdiction to inquire into the motives or objects of any one who may sell or purchase the shares of respondent's capital stock.

Respondent denies that it is, or has ever been, a party to any transaction or undertaking, the object of which is, or was, to control the traffic in or through the territory described in the complaint, or to throttle or destroy competition, or to control or regulate rates throughout said territory, or to dominate, control or fix the rates of all freight or passenger business into or through said territory, or to dominate, control or fix the rates of any freight and passenger business in said territory, except the rates on such freight and passenger business as respondent may transport over its own line.

Respondent denies that the several lines of railroad mentioned in the complaint will, by the acts set forth in the complaint, or by any other acts, practically, or at all, become one system, or that they will be operated, controlled or dominated by a few individuals.

Respondent has no knowledge, information or belief as to the dimensions, area or population of the territory described in the complaint, nor as to the quantities produced in said territory of the various articles of commerce mentioned in the complaint.

Respondent believes that the territory described in the complaint would, "under proper conditions and reasonable competition," increase in wealth and manufactures of every kind, and respondent further believes that such "Proper conditions and reasonable competition" now exist, and will continue to exist.

Respondent has no knowledge, information or belief as to the aggregate capitalization of the several railroad companies mentioned in the complaint, nor as to the aggregate amount of traffic or commerce transported by them, nor as to the aggregate value of said traffic or commerce.

Respondent denies that by reason of the "peculiar" conditions or any other conditions surrounding the railways penetrating the ten States mentioned in the complaint, and covering the area described in the complaint, the acquisition of the controlling interest of all of said properties has been rendered comparatively, or at all, easy.

Respondent admits that, in the territory described in the complaint, there are really only about six large systems, but respondent denies that either of said systems controls or dominates any of the railway lines comprised within said territory, except such lines as belong to its own system.

Respondent has no knowledge, information or belief that any one man, or firm, either with or without associates, formed the design and purpose a few years ago, or at any other time, of acquiring control of the railway lines operated in the territory described in the complaint.

Respondent admits that the Southern Railway Company, organized under the laws of Virginia a few years ago, is the consolidation of quite a number of small lines. To use the language of the Interstate Commerce Commission, in its report and opinion in the "Danville case," "The Southern Railway is the consolidation of numerous independent railroad properties. It has become, through this process of growth, a great railroad system, embracing to-day a mileage of more than 6,000 miles. In this operation, properties which were worthless have been put together to form a valuable whole. The physical condition of those properties has been enormously improved. The facilities afforded to their patrons have been increased. The whole territory involved must be benefited by this amalgamation, so far as its physical service is concerned. This enterprise is a perfectly legitimate one. The men who have conceived and executed it are entitled to a fair return upon the money which has been actually invested in it. They are entitled, in addition, to a reasonable profit upon the ability to conceive and execute a project of this sort."

As to whether the stock of the Southern Railway Company is controlled by a voting trust, and as to whether J. P. Morgan & Company are the head of such trust, respondent has no knowledge, information or belief. Respondent is advised that this honorable commission has no jurisdiction to inquire whether the stock of the Southern Railway Company is controlled by a voting trust, or whether J. P. Morgan & Company are the head of such trust.

Respondent has no knowledge, information or belief that said firm of J. P. Morgan & Company and its associates have secured control of respondent's capital stock; as stated above, said firm does not appear on respondent's books as owning any of respondent's stock.

Respondent is advised that this honorable commission has no jurisdiction to inquire whether said firm and its associates have secured control of respondent's stock.

Respondent has no knowledge, information or belief that said firm of J. P. Morgan & Company and its associates have secured control of the stock of the Atlantic Coast Line Company, or of the Atlantic Coast Line Railroad Company; and respondent is advised that this honorable commission has no jurisdiction to inquire into said questions.

Respondent denies that the Southern Railway Company, either by the means mentioned in the complaint, or by any other means is or will be able to force or compel the other lines out of St. Louis and Chicago, to make such rates as it shall dictate; or that it will be enabled to dictate schedules, or terms, or rates, of any kind, to all or any of the smaller roads which have not been acquired or absorbed by the Southern Railway Company. Respondent denies that the Southern Railway Company has either directly, or indirectly, the control of all the great Trunk lines throughout the territory described in the complaint; or the control of any railway lines in said territory, except such as belong to its own system.

Respondent has no knowledge, information or belief that there has been any "purchase, consolidation or ownership" under what is demoninated in the complaint "A community of interest" which either has or can have, the effect to place the commerce of the section of country described in the complaint, under the control or operation of a few men or that said commerce is, or will continue to be, dominated by the firm of J. P. Morgan & Company, or any other firm. Respondent is advised that this honorable commission has no jurisdiction to inquire whether such "community of interest" exists or not.

Respondent denies that the so-called "combination, arrangement and sale," untruly alleged in the complaint, would, if it in fact existed, "affect in a large measure, or at all, the traffic over the railroads in the States mentioned in the complaint."

Respondent avers that it has filed with the Interstate Commerce Commission "copies of all contracts, agreements or arrangements with other common carriers in relation to any traffic affected by the provisions of the act to regulate commerce, to which respondent may be a party," and the charge in the com-

plaint that respondent has not filed copies of all such contracts, agreements or arrangements, is denied.

Respondent denies that the so-called arrangement, combination, provision, purchase and sale for the producing of what is called a "community of interest," if any such existed, would be, in effect, "an agreement or combination by which all the freights of all the roads named shall be pooled," or by which "Competing railroads may divide between them the aggregate or net proceeds of such railroads, or any portion thereof." Respondent denies that said so-called arrangement, combination, provision, purchase and sale for the producing of what is called a "community of interest" if any such existed, would be in violation of the act to regulate commerce; and respondent is advised that the Interstate Commerce Commission has no jurisdiction to inquire whether said so-called arrangement &c., would violate any other act of Congress.

Respondent denies that the so-called ownership, direction or operation of the stock of said railway companies by a few men, for a common purpose, falsely alleged in the complaint to exist, would destroy or remove all competition.

Respondent denies that rates would be advanced; or that the several communities would be discriminated against; or that the business of the States named in the complaint would be dominated or controlled by a few individuals.

Respondent denies that any such common ownership, management, direction or operation of the various lines of railroad, mentioned in the complaint, now exists, or that there is any probability that it will ever exist, at least so far as any action by this respondent is concerned.

Respondent having fully answered will, at the hearing, move to dismiss the complaint for insufficiency; and will rely upon the following, among other grounds in support of its motion:

First. Complainant has no right title to institute or prosecute the complaint filed in this case.

Second. The Interstate Commerce Commission has no jurisdiction to call upon this respondent to file copies of any contracts, agreements or arrangements with other common carriers except such as relate to traffic affected by the provisions of the act to regulate commerce; and none of the contracts, agreements or arrangements referred to in the complaint, relate to any traffic affected by the provisions of said act, nor are they alleged to

have been made by this respondent or by any other common carrier.

Third. The Interstate Commerce Commission has no jurisdiction to inquire into the existence, operation or effect, of contracts, agreements, or arrangements made by and between the individual stockholders of respondent's company; or by and between those stockholders and stockholders of other railroad companies.

Fourth. The complaint does not specify or describe any contract, agreement or arrangement made by respondent; nor does the complaint aver that respondent has in its possession, or under its control, any contract, agreement, arrangement, book, paper, tariff, or other document, the production of which would aid the Honorable Interstate Commerce Commission in the investigation of any question which is within its jurisdiction.

Fifth. While the Interstate Commerce Commission has jurisdiction to inquire into the management of the business of all common carriers subject to the provisions of the act to regulate commerce and to keep itself informed as to the manner and method in which the same is conducted, said commission has no jurisdiction to inquire into the management of the business of the individual stockholders of railroad companies, or to inquire how much of the stock of any railroad company has been acquired by any person, firm or corporation.

Sixth. While the Interstate Commerce Commission has the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created, it is no part of the duties of said commission to inquire into the personal transactions of individual stockholders to ascertain whether a particular individual or firm has acquired a majority, or any other proportion of the capital stock of a railroad company.

Seventh. The averments of the complaint with reference to said so-called contracts, combinations and agreements are so vague and indefinite, that the complaint is, in effect, a mere "Fishing bill."

ED. BAXTER, Solicitor for Respondent.

STATE OF KENTUCKY, }
COUNTY OF JEFFERSON }

Personally appeared before me, G. W. B. Olmstead, a notary public duly and regularly appointed, commissioned and qualified in and for the State and county aforesaid, Walker D. Hines, who made oath in due form of law, that he is the first vice-president of the Louisville & Nashville Railroad Company, the above named respondent; that the facts stated in the foregoing answer are true to the best of his knowledge, information, remembrance and belief; that he has affixed the common seal of said corporation hereto as the answer of said company.

(Signed) WALKER D. HINES, First Vice-president of the
Louisville & Nashville Railroad Company.

Sworn to and subscribed before me, this 6th day of November, 1902. Witness my hand and notarial seal at office, in Louisville, Kentucky, the day and year aforesaid.

(Signed) G. W. B. OLMSTEAD,
Notary Public.

Before the Interstate Commerce Commission.

The Railroad Commission of Kentucky, a public corporation created by the Constitution of said State, and with the powers conferred upon it by statute consisting of J. F. Dempsey, John C. Wood and C. C. McChord, Complainant.

vs.

The Atlantic Coast Line Company, The Atlantic Coast Line Railroad Company, The Louisville & Nashville Railroad Company, The Southern Railway Company, The Southern Railway in Kentucky, The Southern Railway in Indiana, The Cincinnati, New Orleans & Texas Pacific Railway Company, The Cincinnati Southern Railroad Company, The Illinois Central Railroad Company, The Chicago, Indianapolis & Louisville Railway Company, Defendants.

The answer of the Cincinnati, New Orleans and Texas Pacific Railway Company, to the Complaint of the Railroad Commission of Kentucky.

Now comes the Cincinnati, New Orleans and Texas Pacific Railway Company and for answer to so much of the petition of the Railroad Commission of Kentucky as is material to be answered, says:

It admits that the petitioners, J. F. Dempsey, John C. Wood and C. C. McChord are the Railroad Commissioners of the State of Kentucky and the duties of such commissioners are as stated in said petition. It denies that said commission is a corporation, public or private.

It admits that the Louisville & Nashville Railroad Company is a corporation organized under the laws of the State of Kentucky and that said railroad company owns and operates a large number of miles of railroad, the exact amount whereof is unknown to this respondent.

It admits that the Illinois Central Railroad Company owns and operates a large number of miles of railroad, the exact amount whereof is unknown to this respondent.

It admits that the Southern Railway Company in Kentucky is a corporation organized under the laws of the State of Kentucky, and that it owns a railway line extending from Louisville, Kentucky, to points of connection with this respondent's line at the city of Lexington in Fayette county, Kentucky, and at Burgin, in Mercer county, Kentucky, and at Georgetown, in Scott county, Kentucky; and it is advised, and for the purpose of this proceeding, admits that the lines of railway of said Southern Railway Company in Kentucky are under the management and control of the Southern Railway Company.

This respondent denies that the Cincinnati Southern Railroad Company is a corporation with a line constructed and operated from Cincinnati, in the State of Ohio, to Chattanooga, in the State of Tennessee, and avers that the railroad line which is operated by this respondent, being the only one controlled and operated by it, is a line extending from Cincinnati, in the State of Ohio, to Chattanooga, in the State of Tennessee, which was built and now

owned exclusively by the city of Cincinnati, in the State of Ohio, through the medium of a board of trustees organized for said purpose, said trustees being public officers of said city, and which said line of railroad is operated by this respondent under and by virtue of a lease executed by said trustees.

This respondent is advised and believes that the Chicago, Indianapolis & Indiana Railway Company is a corporation owning a line of railroad substantially as averred in the petition, the exact amount, however, of said railway being unknown to this respondent.

This respondent has no knowledge of the existence of the Southern Railway in Indiana or of the lines operated by said company or whether the same is controlled by the Southern Railway Company, but says, as may be material to the issue in this case, that said Southern Railway Company in some manner controls and operates lines extending from Louisville, in the State of Kentucky to East St. Louis, in the State of Missouri.

This respondent has no knowledge as to the truth of the averment in the petition with respect to the Atlantic Coast Line Company and the Atlantic Coast Line Railroad Company and therefore does not admit said averment.

This respondent denies that the above named railway lines cover all the important railway points and all the railway lines within the territory south of Baltimore, Louisville and the Ohio river to the Gulf of Mexico and eastwardly from the Mississippi river to the Atlantic ocean.

This respondent has no knowledge as to whether the firm of J. P. Morgan & Company has become, in effect, either the legal owner of the property in the petition mentioned, or has secured the control, management and operation of the affairs and various lines therein described, and therefore can not admit said allegations and demands proof thereof.

This respondent likewise has no knowledge as to the averments of the petition with respect to the acquisition of the Chicago, Indianapolis & Louisville Railroad Company by the firm of J. P. Morgan & Company, and therefore can not admit the same and demands proof thereof.

This respondent has no knowledge as to the truth of the averments with respect to the acquisition by the said J. P. Morgan & Company together with the Louisville & Nashville Railroad Company and Southern Railway Company of the stock of the

Chicago, Indianapolis & Louisville Railroad, or as to the issue of collateral bonds based upon said stock and therefore does not admit said allegations and demands proof thereof.

This respondent has no knowledge as to the acquisition by said parties of the majority of stock of the Louisville & Nashville Railroad Company, or of the intent and purpose, and therefore can not admit said allegations and demands proof thereof. And this respondent has no knowledge of the intent and purpose of the acquisition of said stock, if the same took place, and therefore can not admit said intent and purpose.

This respondent, therefore, does not admit and demands proof of the averment, so far as the same affect other railroads that are operated by this respondent, and as to this respondent it denies that the said railroads will practically become one system. It admits that the territory described in the petition is a very vast territory, with great natural resources.

It denies that said railways practically and substantially control the commerce of the States named in the petition, and says that all or most of said States are penetrated by other railroad systems, not parties to this petition, nor alleged to be parties to the combination or agreement averred in the petition to exist which said railroad companies in the aggregate control and operate a much larger mileage than those of the said railroad companies in the petition mentioned; among said railroad companies being the Pennsylvania Railroad Company, The Baltimore & Ohio Railroad Company, The Chesapeake & Ohio Railway Company, The Norfolk & Western Railway Company, The Seaboard Air Line, The Central of Georgia Railway Company, The Chicago, Rock Island & Pacific Railroad Company, besides others; and that said railroad companies, or some of them, enter substantially every one of the States named in the petition and reach most of the shipping points in said States.

This respondent says it has no knowledge of the capitalization of the several companies above named, except that the authorized capital stock of this respondent is six millions of dollars, of which five millions of dollars have been actually issued and outstanding, and if said averment as to capitalization of other companies is material, demands proof thereof.

This respondent has no knowledge as to whether, by reason of the peculiar conditions surrounding the railways penetrating the said States and covering the area in said petition mentioned

the acquisition of the controlling interest of all of said property, has been rendered comparatively easy, and demands proof of said averment.

This respondent says that it has no knowledge as to whether the man or firm, with a few associates, only a few years ago formed a design and purpose to acquire the control of the railway lines operated in said territory, and therefore demands proof of said averment.

This respondent admits that the Southern Railway Company controls an extensive mileage of railway, amounting to several thousand miles, the exact amount whereof is unknown to this respondent. This respondent has no knowledge whether said stock is controlled by a voting trust of which J. P. Morgan & Company are the head, and demands proof of said averment. This respondent has no knowledge whether said firm and associates, controlling the Southern Railway Company, has secured control of the Louisville & Nashville Railroad Company, or of the stock of the Atlantic Coast Line Company, or of the Atlantic Coast Line Railroad Company, and demands proof of said averment.

This respondent, for itself, denies that it has not filed with the Interstate Commerce Commission copies of all contracts, agreements or arrangements with other common carriers with relation to any traffic affected by the provisions of the act commonly called the Interstate Commerce Law, and of the amendments thereto to which it is a party.

This respondent denies that it is a party to any arrangement, agreement or combination by which any of the freights on its line, or which might be carried by it over its line, shall be pooled or controlled or routed so as to prevent competition.

This respondent denies, that by the combination set out in the petition, if the same exists, which it denies, all competition will be destroyed and removed, or that the traffic upon the roads within the territory named will, under a single head and by the operations of the officials of a single company, be moved over one or the other of said lines. It denies that rates will be advanced or that the several communities in said territory either will or can be discriminated against. It denies that a healthy and reasonable competition will be destroyed or that competition will be removed. And it denies that the business of the States named in the petition will, in the manner therein stated, or at all, be dominated or controlled by a few individuals.

**Before the Interstate Commerce Commission,
WASHINGTON, D. C.**

The Railroad Commission of Kentucky, a public corporation created by the Constitution of said State, and with the powers conferred upon it by the statute, consisting of J. F. Dempsey, John C. Wood and C. C. McChord,
Complainant,

vs.

The Atlantic Coast Line Company, The Atlantic Coast Line Railroad Company, The Louisville & Nashville Railroad Company, The Southern Railway Company, The Southern Railway In Kentucky, The Southern Railway In Indiana, The Cincinnati, New Orleans & Texas Pacific Railway Company, The Cincinnati Southern Railway Company, The Illinois Central Railroad Company, The Chicago, Indianapolis & Louisville Railway Company, Defendants.

Answer of the Chicago, Indianapolis & Louisville Railway Company to the Complaint in the above entitled cause.

And now comes the Chicago, Indianapolis & Louisville Railway Company, by its solicitors of record, and for answer to the complaint of the Railroad Commission of Kentucky filed by said commission in the above entitled cause, answering says:

I.

Admits that complainant is a corporation created by Kentucky law but denies that said complainant as such corporate board is authorized by either the Constitution or statutes of Kentucky to institute this proceeding or any like proceeding before the commission.

II.

Denies that the Interstate Commerce Commission has jurisdiction to inquire into any of the matters and things set forth in said complaint.

III.

Denies that the petition states or sets forth any grievance or injury had or suffered by the State of Kentucky which is within the jurisdiction of the Interstate Commerce Commission to inquire into, investigate or determine in the manner and as in said complaint the complainant prays, or otherwise.

IV.

Denies that said complainant states or sets forth sufficient facts to authorize the Interstate Commerce Commission to inquire into or to secure any information as prayed in said complaint.

Denies that said complainant sufficiently avers and shows that this defendant or any other defendants have either severally or jointly violated, or has or have taken any steps to effect a violation of any of the provisions of the Interstate Commerce Act.

Denies that said complaint states or sets forth any facts from which it can be even fairly inferred that this defendant alone or jointly with any or all of its co-defendants has violated any provisions of any act of Congress or Federal law, without which this defendant denies that the complainant is entitled to any relief whatever against it.

V.

This defendant admits that it was created and exists as a corporation under Indiana law, and operates a railroad between the points in the complaint mentioned. As to whether the other defendants were incorporated in the manner and in the States as alleged in said complaint, and as to whether their several lines of railroad as in said complaint mentioned are accurately stated, this defendant is without sufficient knowledge to either admit or deny the same, but leaves complainant to its proof thereof.

As to whether the various consolidations between various lines of road forming at present the line or some of the lines of the roads of the other defendants, or some of them, as in said complaint averred and set forth, this defendant has no knowledge, and therefore neither admits nor denies the same.

This defendant is without sufficient knowledge to admit or deny the averments in said complaint touching the mileage of the various lines of the other defendants, and likewise is without sufficient knowledge to either admit or deny the averment in said complaint as to the territory south of the Ohio river occupied and controlled by the other defendants and by their lines of railway.

VI.

As to whether the firm of J. P. Morgan & Company, of the city of New York, "by the purchase of stock and bonds and the control of other securities, has become in effect either the legal owner of said property, or as trustee for the owners of the stock in said companies, has secured practically the control and management and operation of the affairs of all these various railroad lines above referred to and described," this defendant has no knowledge that would enable it to admit or deny the same, and it therefore leaves complainant to its proof thereof.

VII.

This defendant, further answering, avers that the articles incorporating this defendant limited its stock issue in the aggregate of \$15,500,000, divided into shares of \$100 each; that \$5,000,000 thereof was issued as, and is, preferred stock, and the remainder is common stock.

That on or shortly after March 31, 1897, said stock was issued and delivered in part payment for the railroad and all properties therewith connected now owned and operated by this defendant, and thereupon said stock became fully paid and non-assessable; that from thence to now this defendant has had no interest in or control over said stock, or any part thereof; that the same was and became personal property in the hands of the takers and purchasers thereof, and that such takers and purchasers were fully authorized by law to sell the same upon the market, and any

person was fully authorized by law to purchase the same without any action or consent of this defendant or of its board of directors; that, while it is true the laws of Kentucky required, and to meet said requirement a resolution was passed by the board of this defendant consenting to the purchase of its stock by the Louisville, New Albany & Chicago Railway Company and the Southern Railway Company, such consent did not in fact make this defendant a material or responsible party to said transaction, and this defendant denies that it can, as defendant in this cause or any other suit in law or equity, be held accountable for or chargeable with any of the matters and things in this complaint alleged touching and relating to the sale and purchase of said stock as recited in said complaint.

VIII.

As to the averments touching the acquirement of various railroads and the consolidation of certain lines by this defendant's co-defendants, as alleged in said complaint, this defendant has no knowledge, and therefore can neither admit nor deny the same, but leaves complainant to its proof thereof.

IX.

As to the acquirement of the majority of this defendant's stock J. P. Morgan & Company for and in the interest of the Louisville & Nashville Railroad Company and of the Southern Railway Company, in the manner and for the purposes alleged in the above complaint, this defendant neither admits nor denies the same, but leaves the complainant to make the proof thereof.

But this defendant avers that even if it be true, as alleged, that the majority in control of this defendant's stock was acquired and is now held in trust by some one for the Louisville & Nashville Railroad Company and the Southern Railway Company as alleged, no attempt has ever been made by such alleged holders by such majority to change the management of the board of directors of this defendant, or to increase or control the rates of this defendant in the interest of any of the other defendants in any manner or for any purpose whatsoever, and this defendant avers that the persons constituting the majority of the board of directors of this defendant in May, 1899, still continue as mem-

bers of said board and as such majority to control and direct the management and affairs of this defendant; and further avers that the rates for the carriage of passengers from the city of Chicago to Louisville and intermediate points, and from the city of Chicago passing over this defendant's lines to the Ohio river, and thence destined to points south of said river, have not been in any wise increased since May, 1899, and have not been changed, excepting in some instances said rates may have been decreased; that the through rates for the carriage of freight over defendant's line from Chicago to points south of the Ohio river are made in the manner following, to-wit:

The proper officer of this defendant fixes and determines the rate to be charged by this defendant from Chicago and points between Chicago and New Albany, Indiana, to the Ohio river, and its rate is added to the rates made by the connecting line or lines south of the Ohio river, from the Ohio river to the point of destination; that no connecting line of this defendant south of the Ohio river, or any of the officers thereof, participate with this defendant in making its said rate from all points on its line to the Ohio river, and that this defendant does not participate with its connecting lines south of the Ohio river, which when added to this defendant's rates so made and fixed as aforesaid become the through rate for said through business.

This defendant denies that the alleged owners of the majority of the stock of this defendant have in any manner, either by action in a meeting of the stockholders, or by resolution offered to this defendant's board of directors, or even by suggestion to the traffic officers of this defendant, attempted to control or change the rates of this defendant, through or local, or the manner in which said rates are and have been made and fixed by said defendant as aforesaid; and avers that this defendant, in making and fixing said rates through its own proper departments and by its own proper officers, and the use of said rates in the conduct of its business as a common carrier, have been made without any interference or attempted interference of any of the owners of any of the stock of this defendant, and without any interference or attempted interference by any combination or combinations or such owners, or by any of the other defendants, or by any of the officers, agents or representatives of such other defendants, or of any of them, and that said rates so made, fixed and applied

by this defendant in the manner aforesaid, have been duly filed, and are now on file with the Interstate Commerce Commission and in the proper office of said commission.

X.

The defendant denies that any contracts have been made or exist between this defendant and the alleged owners of the majority of its issued and outstanding stock, or between this defendant and any of the other defendants for the purposes named in said complaint, or for any other unlawful purpose whatever; that the only relation sustained between this defendant and any of the other defendants is that of connecting carriers for the lawful interchange of business to facilitate through carriage of passengers and freight, and that said relation has subsisted for many years, and now subsists for the purpose last aforesaid, and for no other purpose whatever; that in the exchange of said business between this defendant and the other defendants as connecting carriers, the through rates for freight are made by this defendant and its said connecting carriers independently of each other and in the manner aforesaid.

XI.

This defendant denies that it is a party to any of the combinations, or that it has been subject to the control of the same, or any of the alleged combinations, or that any attempt has been made by the combinations or any of the combinations alleged to control the business, the rates or the operation of the road of this defendant in any manner or in any degree whatsoever.

Denies that this defendant is a party to any of the contracts, arrangements or agreements touching which the complainant prays may be inquired into by this commission.

Denies that this defendant is a party to any pooling agreement or arrangement with the other defendants, or with any of them, as alleged in said complaint, and avers that it has at all times kept the Interstate Commerce Commission fully advised of all matters and things to the full extent it is required to do by the acts of Congress, and has constantly and promptly filed with said commission its rates, classification of rates, and any

change thereof made from time to time, together with all other reports and matters as required by said acts.

XII.

This defendant denies all of the other material averments made and stated in said complaint not heretofore particularly, specifically and expressly admitted or denied.

Wherefore, this defendant denies that it can in this proceeding, or in any other, be held responsible or made liable in any manner or in any matter touching the purchase of its stock in open market, or touching any contract, arrangement or agreement that the purchaser or purchasers thereof have made between themselves, or with any other carrier or carriers to which this defendant is not a party, especially when no attempt is made thereby or through any such arrangement or contract to affect or control the business or rates of this defendant; and having fully answered all of the matters and things contained in said complaint as fully and particularly as it is advised by counsel that it is necessary for it to make answer unto, this defendant asks to be dismissed hence with its reasonable costs in this behalf expended.

_____, Solicitor for Respondents,
Chicago, Indianapolis & Louisville Railway Company.

STATE OF ILLINOIS, }
CITY OF CHICAGO, COUNTY OF COOK, }

W. H. McDoel, being first duly sworn, says, I am president of the Chicago. Indianapolis & Louisville Railway Company, the respondent herein named. I have read the foregoing answer and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein alleged upon information and belief, and as to those matters I believe it to be true.

W. H. M'DOEL.

Sworn to and subscribed before me this — day of November, 1902.

_____,
Notary Public.

Before the Interstate Commerce Commission.

The Railroad Commission of Kentucky.

Complainant,

vs.

Atlantic Coast Line Company, Southern Railway Company,
Southern Railway Company in Kentucky and Southern
Railway Company of Indiana, impleaded with others.

***The Joint and Several Answers of the Southern
Railway Company, Southern Railway Com-
pany in Kentucky, and Southern Railway
Company of Indiana to the Complaint
herein shows:***

I.

These respondents admit that the Railroad Commission of Kentucky is a public corporation, created under and by the Constitution of the State of Kentucky, and has certain defined rights and duties under the statutes of the said State of Kentucky; but they pray that a reference may be made to said statute for a full and complete definition of such rights and duties of said Railroad Commission of Kentucky.

II.

These respondents admit that the respondent Southern Railway Company owns, controls or operates lines of railway comprising a mileage of more than six thousand, one hundred miles, reaching points in the States of Virginia, North Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee, being, among other such points, Memphis, Tennessee; Mobile, Alabama; Chattanooga, Tennessee; Atlanta, Georgia; Brunswick, Georgia; Savannah, Georgia; Charleston, South Carolina; Richmond, Virginia; Norfolk, Virginia; and Washington, District of Columbia.

These respondents further admit that the respondent, Southern Railway Company in Kentucky, is a corporation organized and existing under the laws of the State of Kentucky, and owns railway lines extending from Louisville, in Kentucky, to the city of Lexington, and also to Burgin, and Georgetown, all in the State of Kentucky, at all of which points connection is made with the Cincinnati Southern Railway, now operated by the Cincinnati, New Orleans & Texas Pacific Railway Company; but these respondents deny that said lines of railway are under the management of the Southern Railway Company, but, on the contrary, allege that said lines of railway are managed and operated by the officers of said Southern Railway Company in Kentucky.

These respondents further admit that the respondent, Southern Railway Company of Indiana, (in the complaint erroneously styled "Southern Railway in Indiana,") is a corporation organized and existing under and by virtue of the laws of the State of Indiana; but they deny that said respondent, Southern Railway Company of Indiana, operates a railroad from the city of Louisville, in the State of Kentucky, to the city of St. Louis, in the State of Missouri; and they deny that said respondent, Southern Railway Company of Indiana, is operating a line of railroad into or through the States of Kentucky, Indiana, Illinois and Missouri.

And furthermore, these respondents deny that they have any knowledge or information sufficient to form a belief as to any of the allegations alleged in the paragraph of the complaint numbered II with regard to the respondents, the Louisville & Nashville Railroad Company, the Illinois Central Railroad Company, the Cincinnati, New Orleans & Texas Pacific Railway Company, the Chicago, Indianapolis & Louisville Railway Company, the Atlantic Coast Line Company and the Atlantic Coast Line Railroad Company.

III.

These respondents deny that the railway lines described in the paragraph of the complaint numbered II, cover all the important railroad points and all the railroad lines within the territory south of Baltimore, Louisville and the Ohio river, to the Gulf of Mexico, and eastwardly from the Mississippi river to the Atlantic ocean.

IV.

These respondents admit, to the best of their knowledge, information and belief, that the firm of J. P. Morgan & Company, of the city of New York, is a large banking firm, engaged in business in the city of New York; but they deny that they have any knowledge or information sufficient to form a belief as to whether or not, by the purchase of stocks and bonds, and the control of other securities, the said firm of J. P. Morgan & Company has become, in effect, either the legal owner of the lines or railway described in the complaint herein, or as trustees for the owners of the respondent companies has secured practically the control, management and operation of the affairs of all the various lines of railroad referred to and described in the complaint. And furthermore they deny any knowledge or information sufficient to form a belief as to the plans, purposes and intentions of said firm of J. P. Morgan & Company, or any of the members thereof, if any such there be, as alleged in the complaint.

V.

These respondents deny that they are parties to any agreement declared unlawful or within the prohibitions of the act of Congress entitled "An act to regulate commerce;" and furthermore, they allege that in compliance with the requirement of said act they have reported to the Interstate Commerce Commission, from time to time, in the manner prescribed by said Interstate Commerce Commission, all contracts to which they, or any of them are parties, in relation to their traffic which may be affected by the provisions of said act to regulate commerce.

VI.

These respondents admit that on or about the twenty-first day of June, 1900, the said firm of J. P. Morgan & Company, and the respondent, Southern Railway Company, entered into an agreement with such holders of bonds secured upon the properties then belonging to the Louisville, Evansville & St. Louis Consolidated Railroad Company as should become parties to such agreement, whereby it was proposed to reorganize the said Louisville, Evansville & St. Louis Consolidated Railroad Company to the end that

control of its railroads and property might be vested in Southern Railway Company, in exchange for purchase money obligations of said Southern Railway Company. At the date of such agreement, and for many years prior thereto, the properties of the Louisville, Evansville & St. Louis Consolidated Railroad Company, consisting of lines of railroad in the States of Indiana and Illinois, extending from the city of New Albany, Indiana, to the city of East St. Louis, Illinois, with branches in the State of Indiana extending to Evansville, Rockport, Cannelton and Jasper, and aggregating about 375 miles of railroad, were and had been in the hands of receivers, and various unavailing attempts to re-establish said lines of railroad on a solvent basis which would enable them to properly perform their duties and obligations to the public had been made. Practically all the holders of the securities which controlled the said properties of the Louisville, Evansville & St. Louis Consolidated Railroad Company having deposited their said securities under said plan of reorganization, the said plan was carried into effect by the purchase at foreclosure sale, ordered by the United States circuit court, of all of said properties of said Louisville Evansville & St. Louis Consolidated Railroad Company by Francis Lynde Stetson and Victor Morawetz, representing said security holders. Thereafter said purchasers organized two corporations, one under the laws of Indiana, to-wit: The Southern Railway Company of Indiana, and the other under the laws of Illinois, to-wit: The Southern Railway Company of Illinois, and caused the properties formerly of said Louisville, Evansville & St. Louis Consolidated Railroad Company respectively within the States of Indiana and Illinois to be vested in said corporations. Thereafter said Southern Railway Company of Illinois conveyed its property to the respondent, Southern Railway Company, and the respondent, Southern Railway Company, also acquired substantially all the capital stock and the first mortgage bonds of the respondent, Southern Railway Company of Indiana, in exchange for bonds of the respondent, Southern Railway Company, known as its "St. Louis Division First Mortgage Bonds," which said bonds of the respondent, Southern Railway Company, in pursuance of said reorganization plan, were distributed among the former holders of the controlling securities of said Louisville, Evansville & St. Louis Consolidated Railroad Company. Since said reorganization was affected, that is to say, since January 1st,

1901, the said lines of railroad formerly of the Louisville, Evansville & St. Louis Consolidated Railroad Company have been operated as part of the system of the respondent, Southern Railway Company, under the designation of its "St. Louis Division." A copy of said reorganization plan and agreement will be produced at the hearing, and reference thereto is prayed by these respondents with like effect as if the same had been herein set forth at length.

VII.

These respondents admit, and allege, that the respondent, Southern Railway Company, having corporated power in the premises, heretofore desired to acquire an interest in the capital stock of the Chicago, Indianapolis & Louisville Railway Company; and is informed, and believes, that the respondent, the Louisville & Nashville Railroad Company, also desired to acquire an interest in the capital stock of the said Chicago, Indianapolis and Louisville Railway Company, but by both, said Southern Railway Company and said Louisville & Nashville Railroad Company, it was found impracticable to acquire a substantial amount of such stock except by the purchase thereof jointly, and the issue for the payment thereof of the joint bonds of said Louisville & Nashville Railroad Company and said Southern Railway Company, and therefore said respondents agreed with each other that they would purchase all, or any part, but not less than fifty-one per cent., of the entire capital stock of the said Chicago, Indianapolis & Louisville Railway Company, on terms agreed upon between them; and that in payment for such stock, they would issue their joint bonds, at par, in payment for such preferred stock at ninety dollars per share and for such common stock at seventy-eight dollars per share, such issue of bonds not to exceed in all fifteen million, five hundred thousand dollars, to be issued and disposed of as provided in the trust indenture securing said joint bonds, and further agreed that all the stock so purchased should be assigned and transferred to the trustee under said trust indenture, as security for the payment of the principal and interest of such joint bonds; that each of the respondents should pay, or cause to be paid, one-half of the entire principal and one-half of the entire interest of such bonds; that each should bear one-half of all other obligations imposed upon said respondents by the terms of said trust indenture; that if either of said respondents should default in its obligations to the

other in respect of such bonds, by reason of bankruptcy, insolvency or other cause disabling it from performing the same, the purchased stock belonging to such company so in default thereafter should become and be the property of the company not in default, which thenceforth should be liable in severalty upon all covenants in the said bonds contained; and that the respective rights, interests and obligations of the said respondents, as between each other in respect of all the shares of stock so acquired, and in respect of such joint bonds, should be defined in and by an agreement between said respondents, subject in all respects to the prior lien and obligation of such trust indenture. In pursuance of said agreement the said respondent, Southern Railway Company, jointly with the said respondent, the Louisville & Nashville Railroad Company, has acquired ninety-five thousand, nine hundred and eighty-three shares of the capital stock of the said Chicago, Indianapolis & Louisville Railway Company, and has delivered the same to the Standard Trust Company of New York, as trustee, as collateral security for the payment of certain joint bonds of the said respondents, the Louisville & Nashville Railroad Company and Southern Railway Company, issued under said trust indenture dater July 1, 1902. A copy of said trust indenture, dated July 1, 1902, and of the said agreement between the respondents, Southern Railway Company and the Louisville & Nashville Railroad Company, with respect to their respective rights, interests and obligations, as between each other in respect of the shares of stock so acquired and pledged, will be produced at the hearing, and these respondents pray that reference may be had thereto with like effect as if the same were herein at length set forth.

VIII.

That except as herein specifically admitted, these respondents deny that they have any knowledge or information sufficient to form a belief as to any and all of the allegations contained in the complaint herein.

Wherefore, having fully answered, these respondents pray that they may be hence dismissed.

(Signed) FAIRFAX HARRISON,

Solicitor for Respondents:

Southern Railway Company,
Southern Railway Company in Kentucky, and
Southern Railway Company of Indiana.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } ss.:

Samuel Spencer, being first duly sworn, says: I am president of Southern Railway Company, Southern Railway Company in Kentucky and Southern Railway Company in Indiana, the respondents herein named.

I have read the foregoing answer and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein alleged upon information and belief, and as to those matters I believe it to be true.

(Signed) SAMUEL SPENCER.

Sworn to and subscribed before me this 10th day of November, 1902.

(Signed) PEARCE HOME, JR.,
Notary Public.

Complaint before the Interstate Commerce Commission.

The Railroad Commission of Kentucky, a public corporation, created by the Constitution of said State, and with the powers conferred upon it by statute, consisting of J. F. Dempsey, John C. Wood and C. C. McChord, Complainant,

vs.

The Atlantic Coast Line Company, The Atlantic Coast Line Railroad Company, The Louisville & Nashville Railroad Company, The Southern Railway Company, The Southern Railway in Kentucky, The Southern Railway in Indiana, The Cincinnati, New Orleans & Texas Pacific Railway Company, The Cincinnati Southern Railroad Company, The Illinois Central Railroad Company, The Chicago, Indianapolis & Louisville Railway Company, Defendants.

The Illinois Central Railroad Company, for a answer in the above styles case, says:

I.

For the purpose of this complaint only, it admits the allegations set out in the first paragraph.

II.

It admits, for the purposes of this complaint, the allegations in the second paragraph in respect of the Illinois Central Railroad Company. As to the other allegations in said paragraph, it has no particular knowledge, and neither admits nor denies the same.

III.

It denies that the railway lines mentioned in paragraph 2 cover all the important railroad points and all the railroad lines within the territory south of Baltimore, Louisville and the Ohio river to the Gulf of Mexico, and eastwardly from the Mississippi river to the Atlantic ocean.

It denies that the firm of J. P. Morgan & Company, of the city of New York, has, by the purchase of stocks and bonds and the control of other securities, become in effect the legal owner of the railroads owned, controlled or operated by the Illinois Central Railroad Company.

It denies that J. P. Morgan & Company are trustees for the owners of the stock of the Illinois Central Railroad Company. It denies that J. P. Morgan & Company have secured practically the control and management and operation of the affairs of any of the railroad lines referred to in the complaint as being owned, controlled or operated by the Illinois Central Railroad Company.

It denies that the several railroad lines in the territory mentioned, including those owned, controlled or operated by the Illinois Central Railroad Company will practically become one system operated, controlled and dominated by a few individuals, and says that the Illinois Central Railroad Company has no connection, direct or indirect, for any such purpose, with any of its co-defendants or with any person or persons who may control or dominate any of its co-defendants, and that it is absolutely independent of its several co-defendants, and is controlled alone by its own stockholders, without any outside interference or domination.

It denies the allegation that the acquisition of a controlling interest of all of the properties mentioned in the complaint has been rendered comparatively easy, so far as said allegation is applicable to any of the railroads owned, controlled or operated

by the Illinois Central Railroad Company, and says that no control of the Illinois Central Railroad Company or any of the railroad properties owned, controlled or operated by it has ever been acquired by any of its co-defendants or any person or persons who may control or dominate any of them.

The allegation in the third paragraph that the companies affected by the agreements, combinations and arrangements referred to in the complaint have not filed with the Interstate Commerce Commission copies of all contracts, agreements and arrangements with other common carriers in relation to any traffic affected by the provisions of the Interstate Commerce Act, is wholly untrue insofar as it implies that this defendant has made or is a party to any such agreement, combination or arrangement. This defendant denies that it is a party to any such agreement, combination and arrangement, and therefore says that there was nothing of that character for it to file with the Interstate Commerce Commission.

The defendant denies that it has entered into any contract, agreement or arrangement with any of its co-defendants by which all or any part of the freights handled by it or them shall be pooled, controlled or routed. It admits that the railroads owned, controlled or operated by it are competing roads to some of the roads owned, controlled and operated by some of the other defendants, and avers that it has entered into no contract, agreement or arrangement with any of the said defendants for consolidation, joint ownership, joint control or otherwise to prevent such competition or in any way to pool the freights and divide between it and any of them either the aggregate or net proceeds of the earnings from such freights.

This defendant denies the allegation of the third paragraph that through or on account of anything set up in said complaint, competition will be destroyed or removed over the roads owned, controlled or operated by this defendant and denies the allegation that instead of being controlled and governed by the ordinary conditions which control and govern the movement of freight and transportation of passengers, the business of this defendant or any of the roads owned, controlled or operated by it will under a single head and by the dication of the officials of a single company be moved either over one or the other of the said lines in the complaint mentioned.

This defendant denies that on account of any relations between it and any of its co-defendants or any person or persons who may dominate or control any of them, rates will be advanced, and that the several communities within the territory mentioned in the complaint will and can be discriminated against, and that instead of having a healthy and reasonable competition the same will be removed, and that freight will be routed and sent over either one or other of the several lines mentioned in the complaint in order to maintain increased earnings or to create fictitious earnings to give fictitious values.

This defendant denies that the business legitimately belonging to any of the roads owned, controlled or operated by it will be dominated or controlled by any of its co-defendants or any person or persons who may dominate or control any of its co-defendants.

This defendant denies the charge that the object and purpose of the purchase, combinations, contracts and agreements were for the purpose of placing all of the railroads mentioned in the complaint under the control of a single firm or an individual, so far as the same implies that there is any such purchase, combination, contract or agreement which affects the Illinois Central Railroad Company or any of the roads owned, controlled or operated by it, and it denies that anything has been done by the Illinois Central Railroad Company or any person or persons connected with it or by any person or persons outside of the Illinois Central Railroad Company whereby the business of the company or the operation or control of any of the railroads owned, controlled or operated by said company can or will be brought under the combination of any single individual.

These and all similar charges are denied.

All other charges made in respect of any of the co-defendants, insofar as the same are not applicable to the Illinois Central Railroad Company or any of the roads owned, controlled or operated by it, are neither admitted nor denied, this defendant having no knowledge in regard to same.

The allegation that the purchase, consolidation and ownership of the railroad property set out in the complaint, means nothing more or less than the placing of the commerce of the entire section of the country described in the complaint under the control and domination of a very few men, and that the same will be dominated by the firm of J. P. Morgan & Company is, so far as it ap-

plies to the Illinois Central Railroad Company, or any of the railroads owned, controlled or operated by it, utterly without foundation and untrue.

It says that the allegations in the third paragraph, so far as they refer to the Illinois Central Railroad Company or the railroads owned, controlled or operated by it, are absolutely false in every particular, and that there is no justification whatever for any such allegations or for making the Illinois Central Railroad Company a party defendant to this proceeding.

Wherefore, having fully answered, it prays that said complaint be dismissed.

ILLINOIS CENTRAL RAILROAD COMPANY,

By (signed) STUYVESANT FISH,
President.

STATE OF NEW YORK, }
COUNTY OF NEW YORK. }

Stuyvesant Fish, being duly sworn, says that he is the president of the Illinois Central Railroad Company, defendant in this proceeding, and that the foregoing answer is true as he verily believes.

(Signed) STUYVESANT FISH.

Subscribed and sworn to before me this sixth day of November,
1902.

(Seal)

(Signed) THOS. B. CLIFFORD,
Notary Public, County of New York.

Central Stock Yards, *et al.*, Complainants,

vs.

The Louisville & Nashville Railroad Company, Defendant.

The following complaint was filed before the Interstate Commerce Commission on the 15th day of February, and argued and submitted May 6, 1902:

Complaint before the Interstate Commerce Commission.

The Railroad Commission of Kentucky, a public corporation of said State, consisting of C. C. McChord, J. F. Dempsey and John C. Wood, Commissioners, Complainant,

vs.

The Louisville & Nashville Railroad Company, Defendant.

The petition of the above-named complainant, the Railroad Commission of Kentucky, respectfully shows:

I.

That the complainant is a public corporation, created under and organized pursuant to the laws of the Commonwealth of Kentucky; that as such it is made its duty by the laws of said Commonwealth to see that the laws relating to all railroads, except street, are faithfully executed, and to exercise a general supervision over the railroads of the State, and that whenever it shall come to the knowledge of complainant, or it shall have reason to believe, that the laws affecting railroad corporations in their business relation to the public have been violated, complainant shall prosecute, or cause to be prosecuted, the corporations or persons guilty of such violations; and when such effort on the part of this complainant shall be unsuccessful it is made its further duty to present the facts to this honorable commission, and to appeal to it for relief; and that this petition is filed herein by the said com-

plainant in pursuance of the aforesaid statutory requirements of the State of Kentucky and on behalf of the corporation, firms and partnerships, and also live-stock shippers and dealers hereinafter referred to.

II.

That the above-named defendant, Louisville & Nashville Railroad Company, is a common carrier engaged in the through transportation of passengers and property by continuous carriage or shipment, and wholly by railroad, from points in the States of Tennessee, Georgia, Alabama and other Southern States to the city of Louisville and State of Kentucky, and to points in other States north and east of the Ohio river, and as such common carrier the said defendant is subject to the provisions of the Act of Congress of the United States to regulate commerce, approved February 4, 1887, and Acts amendatory thereof and supplementary thereto; that the Southern Railway Company in Kentucky is likewise a common carrier, authorized under the laws of Kentucky, and as such is engaged in the transportation of intra and interstate traffic of all kinds.

III.

The Central Stock Yards Company is a duly authorized and organized corporation engaged in the stock-yards business near the city of Louisville and State of Kentucky, and has ample capital, premises and facilities for carrying on properly and economically stock yards for the receipt of shipments of stock of all kinds, feeding, watering, caring for, having sales made of and giving proper attention thereto.

The Southern Railway Company in Kentucky, with the Central Stock Yards Company, has constructed and has in operation all necessary switches, tracks, platforms and chutes connecting the Central Stock Yards Company's plant with said Southern Railway Company's system, and prior to November 1, 1901, said Southern Railway Company notified all railroad companies and common carriers entering the city of Louisville and State of Kentucky, including the defendant, Louisville & Nashville Railroad Company, that it, said Southern Railway Company, would be, after November 1, 1901, that it is now, and has ever since been,

ready, willing and able to accept at points of physical connection of the tracks of the said Southern Railway Company with the tracks of the Louisville & Nashville Railroad Company in Louisville any and all live stock consigned to Central Stock Yards, or any person, partnership, firm or corporation at Central Stock Yards; and further gave notice that said Southern Railway Company in Kentucky had established a station on its line, known as "Central Stock Yards, Kentucky," and had duly appointed and had qualified an agent thereat to attend to any and all business of persons desiring the use of the said Southern Railway Company as a common carrier; and further that as to all connecting common carriers entering the city of Louisville, including the Louisville & Nashville Railroad Company, the Southern Railway Company would accept at points of physical connection any and all freight consigned to Central Stock Yards station, Central Stock Yards, Kentucky, or persons thereat and be responsible for prompt delivery of such freight so consigned from such point of physical connection and the collection of all charges for such connecting carrier on such freight so consigned and promptly return the empty cars, free of charge, and account for all freight charges collected in the usual way.

Complainant further says that the Southern Railway Company in Kentucky has at Louisville, Kentucky, three points of physical connection between its tracks and the tracks of the defendant, Louisville & Nashville Railroad Company, which are known respectively as the Bergen & Meehan switch or connection, which consists of a track of about 1,475 feet in length, and is distant from Central Stock Yards plant in trackage about 2,200 feet; also Third and G street connection, which is distant from Central Stock Yards plant about half a mile, and consists of a track of about 128 feet in length; and also a connection known as the Seventh and Magnolia street connection, which consists of a track 2,454 feet in length, with a siding of 1,172 feet in length.

IV.

Stewart, Sanders, Miller & Company, Hart McCampbell & Company, W. R. Crawford & Company, Martin Byrne & Company, Gaines, Thomas & Company and Jeffries & Smith are respectively partnerships and firms engaged daily in the purchase and sale of live stock of every character, with offices at the plant of the Cen-

tral Stock Yards Company, and that they, together with other commission firms having offices thereat, or doing business at said Central Stock Yards, have ample means with which to purchase from any and all consignors of live stock the same for themselves, or for others, and to handle, upon the best basis in the interest of shippers and dealers, any and all live stock that may be consigned to any Kentucky market, or to Central Stock Yards Company's plant.

V.

Complainant says that the defendant, Louisville & Nashville Railroad Company, has announced its intention and purpose to refuse, at any and all of its stations outside of the State of Kentucky, to receive, bill or transport any live stock consigned to Central Stock Yards Company, Central Stock Yards, Kentucky, or to mark upon the bills of lading therefor the destination as Central Stock Yards, Central Stock Yards, Kentucky, or to any person, corporation, firm or partnership at said Central Stock Yards, Kentucky, and to refuse to bill, receive or transport any live stock from any station on its line outside of the State of Kentucky to any point of physical connection between its said lines in Louisville, Kentucky, and the line of the Southern Railway Company in Kentucky at Louisville for delivery by said Southern Railway Company in Kentucky as consigned, or to any corporation, firm, person or partnership at Central Stock Yards, Kentucky; and complainant further says that the tracks of the Southern Railway Company in Kentucky entering the premises and encircling the yards of the Central Stock Yards Company at Central Stock Yards, Kentucky, are the only railway tracks reaching said yards, and that said yards are about nine miles from the terminus of the said Southern Railway Company at Louisville, Kentucky, and is in Jefferson county, Kentucky, and is a non-competitive point with any other railway in Kentucky.

VI.

Complainant says that on November 2, 1901, at Cumberland Furnace, Tennessee, a duly and regularly established station on the railway line of the defendant, one W. A. Bell tendered and offered to ship over the line of the defendant a car load of livestock, and

directed that the same should be delivered to the Southern Railway Company in Kentucky at Louisville, and at one of the points of physical connection between the tracks of the defendant, Louisville & Nashville Railroad Company and those of the Southern Railway Company for delivery by the Southern Railway Company at Central Stock Yards, Central Stock Yards, Kentucky, but that defendant neglected, failed and refused to so bill said live-stock, and over the protest and objection of the said W. A. Bell, made delivery thereof at the Bourbon Stock Yards, Louisville, Kentucky.

VII.

Complainant says that on December 7, 1901, one Robert Pitt at Danville, Tennessee, a regularly established station on the line of the defendant, tendered and offered to said defendant two car loads of live stock, and directed that same be received, billed, transported and delivered to the Southern Railway Company in Louisville, Kentucky, and at one of the points of physical connection between the tracks of the said defendant, Louisville & Nashville Railroad Company, and those of said Southern Railway Company for delivery by said Southern Railway Company as ordered and directed, but defendant, Louisville & Nashville Railroad Company, neglected, failed and refused to receive, bill or transport the stock as ordered and directed by said Robert Pitt, but would only receive the same and transport the same to Louisville, Kentucky, and upon the arrival thereof, at Louisville, Kentucky, made delivery thereof at the Bourbon Stock Yards in Louisville, Kentucky, and not to the Southern Railway Company for delivery to the Central Stock Yards Company as ordered by the said Robert Pitt, owner of said stock.

VIII.

Complainant further says that on December 7, 1901, at Gallatin, Tennessee, a regularly established station on the line of the defendant, Holder & Brown tendered to defendant two car loads of hogs and requested that the same be received, billed, transported and delivered to the Southern Railway Company at Louisville, Kentucky, and at one of the points of physical connection between the said Southern Railway Company and the defendant for delivery

by said Southern Railway Company, the one to Hart, McCampbell & Company and the other to Stewart, Sanders, Miller & Company, at Central Stock Yards, Central Stock Yards, Kentucky, but that defendant neglected, failed and refused to receive, bill or transport the said livestock otherwise than to Louisville, Kentucky, and after the arrival thereof at South Louisville, and the break-up yards of the defendant, Louisville & Nashville Railroad Company, defendant refused to make delivery thereof as directed by the owner of the said stock to the Southern Railway Company for delivery at Central Stock Yards to the consignees desired by the owner.

IX.

Complainant further says that on December 21, 1901, at Columbia, Tennessee, a regularly established station on the line of the defendant, Allen Bros. tendered to said defendant at said station a car load of cattle and directed that the same be received, billed transported and delivered to the Southern Railway Company in Louisville, Kentucky, and at one of the points of physical connection between the tracks of the Southern Railway Company and the tracks of the defendant for delivery to Hart, McCampbell & Company at Central Stock Yards, Central Stock Yards, Kentucky, but that defendant neglected, failed and refused to so receive, bill or transport the said stock, but would only receive, bill or transport the same to Louisville, Kentucky, and over the protest and objection of the owner of the said Stock Yards in Louisville, Kentucky, and not as ordered and directed by the owners.

X.

Complainant further says that the acts and conduct of the defendant, Louisville & Nashville Railroad Company, as herein complained of are claimed to be based upon a contract made on the 21st day of September, 1888, which it claims was extended for ten years on September 20, 1898, with the Bourbon Stock Yards Company of Louisville, Kentucky, the fourth clause of said contract reads as follows:

"Fourth. The first party agrees that it will not lease rent, or sell any of its ground in the city of Louisville for the establishment of a stock yard, or otherwise, facilitate the establishment of

a stock depot in the said city, and that it will deliver and cause to be delivered to the second party, so far as it legally may, all livestock shipped over the road of the first party and consigned to the city of Louisville, and should any livestock be shipped to other person or persons in said city, the first party hereby makes and agrees to make the stock yards of the second party the stock depot of the first party for said city, and agrees to unload all livestock shipped to said city at the yards of the second party, but if the provisions of this section of this contract be abrogated or invalidated by judgment of any court or by legislative requirement, then the second party shall have no claim to damages arising out of or dependent on said provisions and the second party shall, at its own cost and expense, defend any and all litigation which may arise out of the provisions of this section, and will hold the first party entirely harmless therefrom."

Under the aforesaid contract defendant claims that it is required in law to only have one livestock depot in any city or town, and that it can not be required to make delivery of livestock originating from a point out of the State of Kentucky at any other point than at such livestock depot; and complainant is informed and believes that the acts and conduct of the defendant, and as hereinbefore set forth, are in violation of the Constitution and laws of the United States, and more particularly in violation of the 3rd section of an act of the Congress of the United States known as "An Act to regulate commerce, passed February 4, 1887, and acts amendatory thereof and supplementary thereto," and also in violation of the Constitution, and particularly of section 213 to 217 inclusive of the Commonwealth of Kentucky in aid of Interstate Commerce, which said 3d section of the act of Congress, aforesaid, and said Constitutional provisions read as follows:

"Section 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

"Section 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operat-

ing, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State shall receive, transfer, deliver, and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business."

"Section 214. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contracts or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier."

"Section 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment."

"Section 216. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible."

"Section 217. Any person, association, or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense, be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense, shall thereupon, *ipso facto*, forfeit its franchises, privileges, or charter rights; and if such delinquent be a foreign corporation, it shall, *ipso facto*, forfeit its right to do

business in this State; and the Attorney General of the Commonwealth shall forthwith, upon notice of the violation of any such provisions, institute proceedings to enforce the provisions of the aforesaid sections."

XI.

Complainant is informed, believes and charges that being illegal in itself, the acts, practices and conduct of the defendant, Louisville & Nashville Railroad Company, as herein set forth, result in defendant's making and giving undue and unreasonable preference or advantage to the Bourbon Stock Yards Company in Louisville, Kentucky, and to all persons, corporations and firms doing business at said Bourbon Stock Yards in Louisville, Kentucky, over the Central Stock Yards at Central Stock Yards, Kentucky, and to all persons, corporations and firms doing business at that locality, namely: Central Stock Yards, Kentucky, and give and make an undue and unreasonable preference in the transportation and traffic of livestock to said Bourbon Stock Yards at Louisville, Kentucky, and persons doing business thereat over the Central Stock Yards, Central Stock Yards, Kentucky, and persons doing business thereat.

Wherefore, complainant prays that the defendant, Louisville & Nashville Railroad Company, may be required to answer the charges herein, and that after due hearing and investigation an order be made commanding the defendant, Louisville & Nashville Railroad Company, to cease and desist from violations of the act to regulate commerce aforesaid, and the Constitutional provisions of the State of Kentucky in aid thereof, and for such other and further order as the commission may deem necessary in the premises.

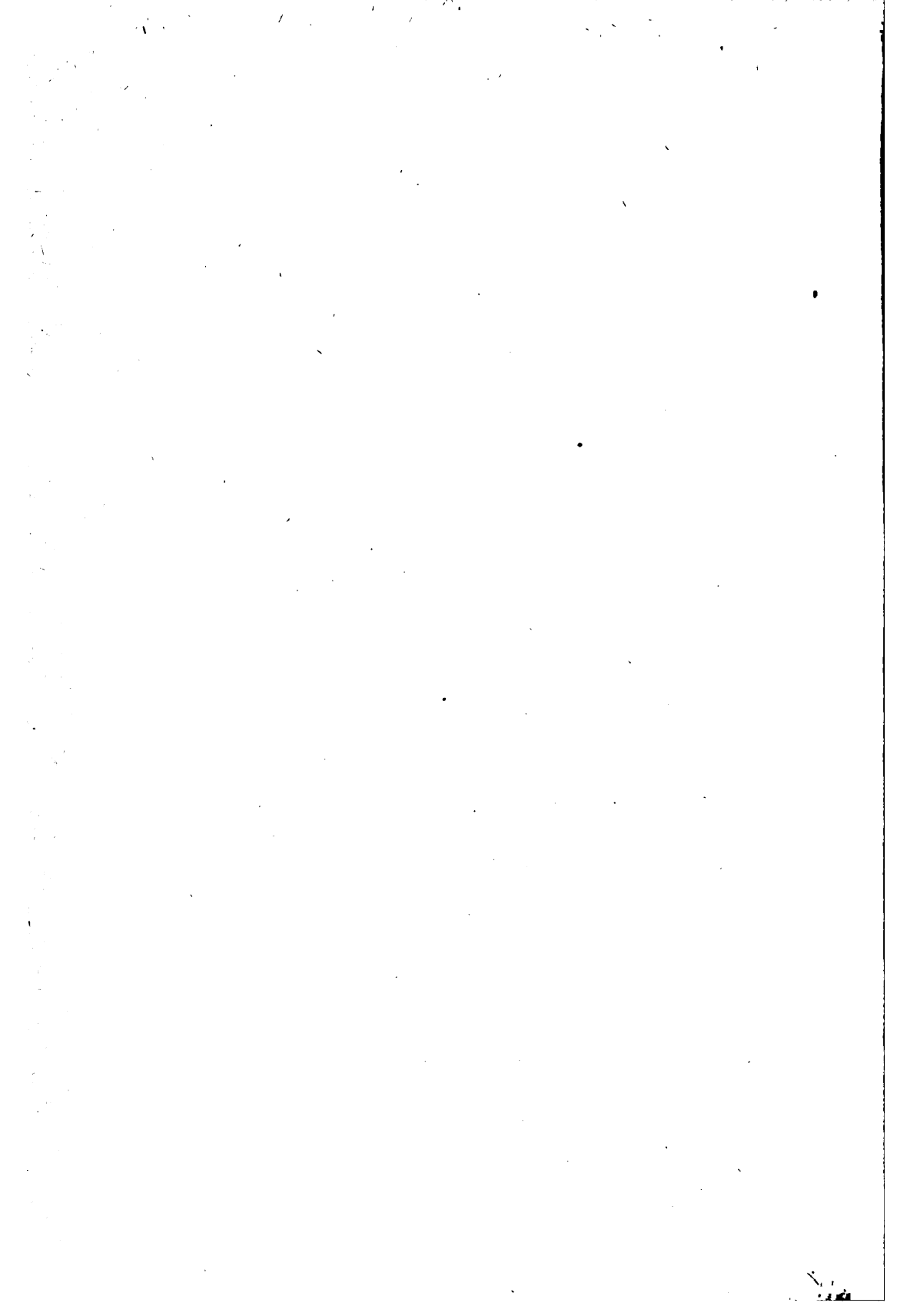
Dated at Frankfort, Kentucky, February 15, 1902.

THE RAILROAD COMMISSION OF KENTUCKY,

By C. C. McCHORD, Chairman.

J. F. DEMPSEY,

JOHN C. WOOD, Commissioners.



Appendix "C"

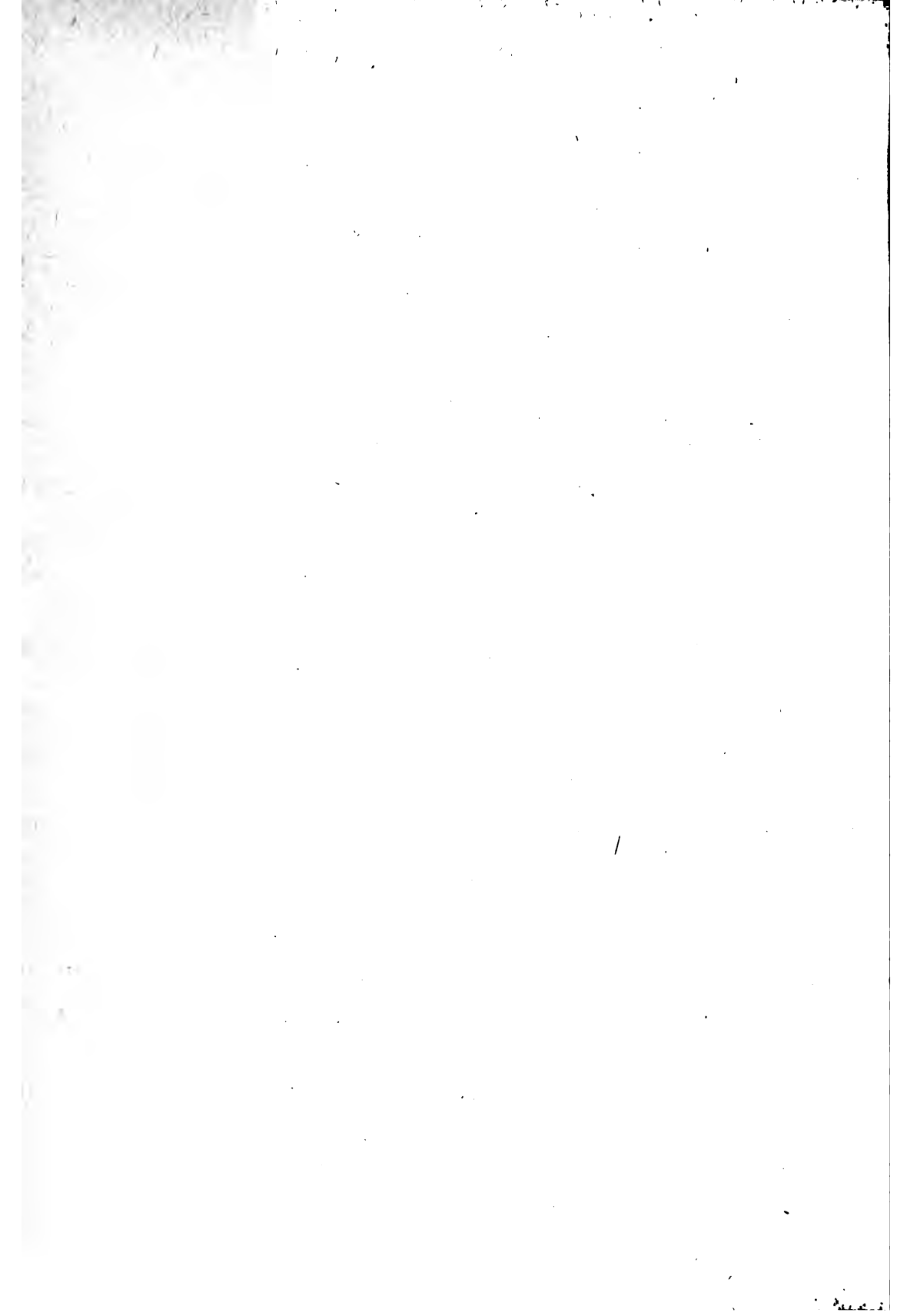
LAWS OF KENTUCKY

DEFINING THE

POWERS AND DUTIES

OF THE

COMMISSION.



CONSTITUTIONAL PROVISIONS.

Extracts from the Constitution Relating to Railroads.

RAILROADS AND COMMERCE.

§ 209. A commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three Commissioners. During the session of the General Assembly, which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and ninety-two, the Governor shall appoint, by and with the advice and consent of the Senate, said three commissioners, one from each superior court district, as now established, and said appointees shall take their office at the expiration of the terms of the present incumbents. The commissioners so appointed shall continue in office during the present term of the present Governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five, and every four years thereafter, the commissioners shall be elected, one in each superior court district, by the qualified voters thereof, at the same time and for the same term as the Governor. No person shall be eligible to said office unless he be, at the time of his election, at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year next preceding his election. Any vacancy in this office shall be filled as provided in section one hundred and fifty-two of this Constitution. The General Assembly may, from time to time, change said districts so as to equalize the population thereof; and may, if deemed expedient, require that the commissioners be all elected by the qualified voters of the State at large. And if so required, one commissioner shall be from each district. No person in the service of any railroad or common carrier company, or corporation, or of any firm or association conducting business as a common carrier, or in any wise pecuniarily interested in such company, corporation, firm or association,

or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the railroad commissioners shall be regulated by law, and until otherwise provided by law, the commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation, as now conferred, prescribed and allowed by law to the existing railroad commissioners. The General Assembly may, for cause, address any of said commissioners out of office by similar proceedings as in the case of Judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the non-feasance and mis-feasance in office of said commissioners, and to impose proper penalties therefor.

§ 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate or engage in any other business than that of a common carrier, or hold, own, lease or acquire directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business; and the General Assembly shall enact laws to give effect to the provisions of this section.

§ 211. No railroad corporations organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain, or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body-corporate, pursuant to and in accordance with the laws of this Commonwealth.

§ 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands or under the control of any officer, agent or employe of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and the same extent as such property of individuals in the hands of third persons.

§ 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback, or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carriers to allow the use of its tracks for the trains of another engaged in like business.

§ 214. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

§ 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

§ 216. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

§ 217. Any person, association or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense, be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense, shall thereupon, *ipso facto*, forfeit its franchises, privileges or charter rights; and if such delinquent be

a foreign corporation, it shall, *ipso facto*, forfeit its rights to do business in this State; and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

§ 218. It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: Provided, That upon application to the Railroad Commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operations of this section. (51 S. W. Rep., 164, 1012).

GENERAL PROVISIONS.

§ 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or from injuries to person or property.

§ 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall, in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made the same shall form part of the personal estate of the deceased person.

§ 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury according to the course of the common law.

§ 244. All wage-earners in the State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

§ 4077. Every railway company or corporation, and every incorporated bank, trust company, guarantee or security company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the State, and a local tax thereon to the county, incorporated city, town and taxing district, where its franchise may be exercised. The Auditor, Treasurer and Secretary of State are hereby constituted a Board of Valuation and Assessment, for fixing the value of said franchise, except as to turnpike companies, which are provided for in section four thousand and ninety-five of this article, the place or places where such local taxes are to be paid by other corporations on their franchise, and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Board of Valuation and Assessment, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the busi-

ness of the board may require. (141 U. S., 47; 92 Ky., 38; 9 R., 670; 99 Ky., 623.)

§ 4078. In order to determine the value of the franchises mentioned in the next preceding section, the corporations, companies and associations mentioned in the next preceding section, except banks and trust companies whose statements shall be filed as hereinafter required by section four thousand and ninety-two of this article, shall annually, between the fifteenth day of September and first day of October, make and deliver to the Auditor of Public Accounts of this State a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the Auditor may prescribe, showing the following facts, viz.: The name and principal place of business of the corporation, company or association; the kind of business engaged in; the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a *bona fide* sale within twelve months next before the fifteenth day of September of the year in which the statement is required to be made; the amount of surplus fund and undivided profits, and the value of all other assets; the total amount of indebtedness as principal, the amount of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the fifteenth day of September of the year in which the statement is required; the amount and kind of tangible property in this State, and where situated, assessed, or liable to assessment in this State, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and such other facts as the Auditor may require.

§ 4079. Where the line or lines of any such corporation, company or association extend beyond the limits of the State or county, the statement shall, in addition to the other facts hereinbefore required, show the length of the entire lines operated, owned, leased or controlled in this State, and in each county, incorporated city, town or taxing district, and the entire line operated, controlled, leased or owned elsewhere. If the corporation, company or association be organized under the laws of any other State or government, or organized and incorporated in this State but operating and conducting its business in other States as well as in this State, the statement shall show the following facts, in addition to the facts hereinbefore required. The gross and net in-

come and earnings received in this State and out of this State, on business done in this State, and the entire gross receipts of the corporation, company or association in this State and elsewhere during the twelve months next before the fifteenth day of September, of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchises to be taxed, the said board may excuse the officer from answering such questions: Provided, That said board, from said statement, and from such other evidence, as it may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, company or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State, or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid.

§ 4080. If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the board shall fix the value of the capital stock as hereinbefore provided, and will determine from the amount of the gross receipts of such corporation, company or association in this State and elsewhere, the proportion which the gross receipts in this State, within twelve months next before the fifteenth day of September of the year in which the assessment was made, bear to the entire gross receipts of the company; the same proportion of the value of the entire property assessed, or liable to assessment, in this State, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in this State.

§ 4081. If the corporation organized under the laws of this State or of some other State or government be a railroad, telegraph, telephone, express, sleeping, dining, palace or chair-car company, the lines of which extend beyond the limits of this State, the said board will fix the value of the capital stock as hereinbefore provided, and that proportion of the value of the capital stock which the length of the lines operated, owned, leased or controlled in this State bears to the total length of the lines owned, leased or controlled in this State and elsewhere shall be considered in fixing the value of the corporate franchise of such corporation lia-

ble for taxation in this State; and such corporate franchise shall be liable to taxation in each county, incorporated city, town or district through or into which such lines pass, or are operated, in the same proportion that the length of the line in such county, city, town or district bears to the whole length of lines in the State, less the value of any tangible property assessed, or liable to assessment in any such county, city, town or taxing district.

§ 4083. It shall be the duty of the Auditor, immediately after fixing such values by said board, to notify the corporation of the fact; and all such corporations shall have thirty days from the time of receiving the notice to go before such board and ask a change of the valuation, and may introduce evidence, and the chairman of the board is hereby authorized to summon and swear witnesses, and after hearing such evidence the board may change the valuation as it may deem proper, and the action of the board shall be final.

§ 4084. The Auditor shall, at the expiration of thirty days after the final determination of such values, certify to the county clerk of the counties, when any portion of the corporate franchise of any such corporation, company or association shall be liable to local taxation as herein provided, the amount thereof liable for county, city, town or district tax; and such certificate shall be by each county clerk filed in his office, and be by him certified to the proper collecting officer of the county, city, town or taxing district for collection.

§ 4087. Any corporation, or officer thereof, willfully failing or refusing to make reports as required by this chapter, shall be deemed guilty of a misdemeanor, and for each offense shall be fined one thousand dollars, and fifty dollars for each day the same is not made after October first of each year.

§ 4089. Should any corporation required to make the report as hereinbefore provided be in the hands of, or under the control of a receiver or other person, it shall be the duty of such receiver or other person to make the returns and valuations as hereinbefore required.

§ 4090. Should any corporation fail to make the reports as required herein on or before the first day of October of each year, the said board shall proceed to ascertain the facts and values as required by this article, in such manner and by such means as it deems proper, at the cost of the company failing to make the report, and shall fix the values of the corporate franchise lia-

ble for taxation as aforesaid, and the corporation shall be taxed accordingly.

§ 4091. All taxes assessed against any corporation, company or association under this article, except banks and trust companies, shall be due and payable thirty days after notice of same has been given to said corporation, company or association by the Auditor; and every such corporation, company or association failing to pay its taxes, after receiving thirty days' notice, shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum; any such corporation, company or association failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action of which the Franklin Circuit Court shall have jurisdiction.

REVENUE AND TAXATION.

CHAPTER 103.

ARTICLE IV.

Assessment of and Payment of Taxes by Railroads.

§ 4096. That the president or chief officer of each railroad company, or other corporation owning or operating a railroad lying in whole or in part in this State, shall, on or before the first of September in each year, return to the Auditor of Public Accounts of the State, under oath, the total length of such railroad, including the length thereof beyond the limits of the State, and designating its length within this State, and in each county, city, incorporated town and taxing district therein, together with the average value per mile thereof, and in the respective counties, cities, incorporated towns and taxing districts therein, together

with the average value per mile thereof, for the purposes of being operated as a carrier of freight and passengers, including engines and cars, and a list of the depot grounds and improvements, and other real estate of the said company and the value thereof, and the respective counties, cities and incorporated towns in which the same are located. That if any of said railroad companies owns or operates a railroad or railroads out of this State, the president or chief officer of such company shall only be required to return such proportion of the entire value of all its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and out of this State. Said report shall be made as of the first day of July, and a failure to file said report by the first day of September shall subject the president or chief officer residing in this State to a fine of one thousand dollars, and fifty dollars for every day after the first day of September that he fails to file said report, to be recovered as indicated by section nine of this article.

§ 4097. Should any railroad, or part of a line of railroad, in this State be in the hands or under the control of a receiver or other person, by order or decree of any court in this or any other State, it shall be the duty of such receiver or other person to make, under his oath, the returns and valuations required by the first section of this article; and should the president or chief officer of any railroad company, or such receiver, fail to make said returns and valuations on or before the first day of September in each year, the said auditor shall proceed and ascertain the facts and values required by this article to be returned, and in such manner and by such means as he may deem best, and at the cost of the company failing to make the returns and values.

§ 4098. The Auditor shall lay before the Railroad Commission, on or before the first day of October, the returns made to him under this act, and any schedules and valuations he may have made under the second section of this article. And should the valuations, or any of them in the judgment of said board, be either too high or too low, they shall correct and equalize the same by a proper increase or decrease thereof. Said board shall keep a record of their proceedings, to be signed by each member present at any meeting; and the said board is hereby authorized to examine the books and property of any railroad company to ascertain the value of its property, or to have them examined by any

suitable disinterested person, to be appointed by them for that purpose.

§ 4099. It shall be the duty of the county superintendent of common schools in each county in which a railroad is operated to furnish, on or before the first day of July of each year, to such railroad company or companies, the boundary of each graded or common school district through or into which any part of such railroad or other railroad property is situated; and the county clerk of any county containing any other taxing district through or into which any railroad is located shall make a similar report to such railroad company. Any county superintendent or county clerk failing to make the report, as herein required, or shall make a false report, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 4100. All taxes against any railroad company, which shall be levied in any common school district, shall be paid to the superintendent of common schools of the county for the benefit of the district entitled thereto.

§ 4101. The provisions of this law shall not be construed to apply to any colored school district: Provided, That the same rate of taxation assessed against the real estate of any railroad company or corporation in any graded common school district or common school district, in any year, shall be assessed against all of the taxable property in such district; and the railroad tax, when collected, shall be paid over to the county superintendent of the county in which the district schoolhouse wherein the tax assessed shall be situated, and shall constitute and be held by the county superintendent as a graded or common district school fund; and the said fund shall be apportioned and distributed by the county superintendent between the white graded common school or white common school district wherein said tax shall be collected and any colored common school district which shall be located over the same boundary. The distribution shall be in the ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected.

§ 4102. The same rate of taxation for State purposes which is or may be in any year levied on other real estate, shall be, and

is hereby, levied upon the value, so found by said board, of the railroad, rolling stock and real estate of each company; and the same rate of taxation for the purpose of each city, town, county, part of a county, or tax district of any kind, in which any portion of any railroad is located, which is, or may be, in any year, levied on other real estate therein, shall be, and is hereby, levied on the value of the real estate of said company therein, and of the number of miles of such road therein reckoned as of the value of the average of each mile of such railroad, with its rolling stock, as ascertained as aforesaid: Provided, That railroad bridges spanning any river, which constitutes the boundary or State line of the Commonwealth, shall be assessed as of the counties in which they are located, and local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located; and immediately after the said board shall have completed its valuations each year, the Auditor of Public Accounts shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad company of the amount of its assessment for taxation for State purposes and for the purposes of such city, town, county, or part of county and tax district. And all existing laws in this State authorizing the assessment and taxation of the property of railroad companies by counties, cities or incorporated towns, are hereby repealed, and no county, city or incorporated town in this State shall hereafter assess, levy or collect any taxes on the property of railroad companies in this State except as provided by this article.

§ 4103. All taxes assessed against any railroad company shall be due and payable thirty days after notice by mail of the assessment is given by the auditor, and every such company failing to pay its taxes after receiving such thirty days' notice of the amount of such tax shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum. Any railroad company failing to pay its taxes, penalty and interest, after becoming delinquents, shall be deemed guilty of a misdemeanor, and, on conviction shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction.

§ 4104. Taxes, penalties and interest due the Commonwealth from any railroad company may be recovered by the Auditor of

Public Accounts, by action in the name of the Commonwealth, in the Franklin Circuit Court; and those due any county, city, incorporated town or taxing district may be recovered by the officer authorized to receive the same, by action in the name of the Commonwealth in any court of competent jurisdiction.

ARTICLE I. GENERAL PROVISIONS.

§ 555. Any two or more corporations organized under this chapter, or the laws of this or any other State, may consolidate into a single corporation; the directors, or a majority of them, of such corporations as desire to consolidate may enter into an agreement signed by them, prescribing the terms and conditions of consolidation, the mode of carrying the same into effect, and stating such other facts as are necessary to be set out in articles of incorporation as herein provided (except the facts required by subdivision five, section two, hereof, as well as the manner of converting shares of the old corporation into the new, with such other details and provisions as are deemed necessary. Provided, that such consolidated corporations shall become and be a domestic corporation of this Commonwealth for all purposes, and shall be subject to the jurisdiction of the courts of this State and to all laws of this State regulating corporations organized thereunder, and their law shall not be construed as altering or repealing any law regulating the taxation of bridges over streams forming the boundary line of this State.

Written notice of the intention to consolidate shall be mailed to the address of each stockholder of each corporation at least twenty days previous to entering into such agreement, and such notice shall be published at least two weeks in some newspaper printed and circulated in the county of its principal place of business, and the written consent of the owners of at least two-thirds of the capital stock of each corporation shall be necessary to the validity of such agreement.

§ 556. When the agreement is signed, acknowledged and recorded in the same manner as articles of incorporation are required to be, the separate existence of the constituent corporations shall cease and the consolidated corporations shall become a single corporation in accordance with the said agreement and subject to all the provisions of this chapter and other laws relating to

it, and shall be vested with all the rights, privileges, franchises, exemptions, property, business, credits, assets and effects of the constituent corporations without deed or transfer and shall be bound for all their contracts and liabilities; Provided, that no consolidated company formed under this chapter, or the laws of this State, shall be required to pay any organization tax, except that, if in the consolidation the capital stock of the consolidated company be increased, or be thereafter increased to an amount exceeding the aggregate capital stock of the constituent companies at the time of the consolidation, then in that event the consolidated company shall not have or exercise any corporate powers until it shall have paid into the State treasury one-tenth of one per centum upon the amount of said increase, and upon such payment shall have filed a statement thereof with the Secretary of State; if, however, any corporation, hereafter formed in another State where no organization tax was required to be paid by it, shall be consolidated with one formed in this State, then the organization tax required by the laws of this State shall be paid upon so much of the capital stock of the consolidated corporation as shall be equal to the capital stock of the foreign constituent corporation; or if such foreign corporation hereafter formed may have been required by the laws of its State to pay an organization tax less than that then required to be paid in this State, then upon such consolidation with a corporation of this State, an organization tax shall be paid equal to the difference between that required of such foreign corporation in the State of its creation and that which would have been required had it been formed in this State.

ARTICLE V. RAILROADS.

- SUBDIVISION I. Railroad companies, organization of.
SUBDIVISION II. General provision concerning.
SUBDIVISION III. Railroad Commission.
SUBDIVISION IV. Condemnation of land by.

SUBDIVISION I. RAILROAD COMPANIES, ORGANIZATION OF.

§ 763. Any number of persons, not less than seven, may associate to form a corporation for the purpose of constructing, operating and maintaining a railroad. Such persons shall execute articles of incorporation, which shall specify the name of the proposed railroad, and number of years the corporation is to continue, the amount of its capital stock, and the number of shares into which the same shall be divided; the number of directors, which shall be not less than five nor more than fifteen, and their names; the places from and to which, and the name of each county into or through which it is intended to be constructed, and its length as near as may be. Each subscriber to such articles shall set opposite his name his place or residence and the number of shares subscribed by him. Whenever two hundred and fifty dollars per mile has, in good faith, been subscribed, and twenty per cent. thereof paid in cash, to the persons named in the articles as directors, and an affidavit made to that effect by two of said named directors and attached thereto, a copy of said articles and affidavit shall be filed in the office of the railroad commissioners and in the office of the Secretary of State, and when a certificate of such fact is delivered by the said officers to the incorporators, the persons who have subscribed such articles shall be a body corporate by the name specified in the articles, and as such may sue and be sued, contract and be contracted with, have a seal, and change the same at pleasure; may elect or appoint directors, who shall choose from their number such officers as may be necessary; may require from any officer or employe a bond for the faithful discharge of his duties, and prescribe such by-laws for its govern-

ment, and exercise such powers as are necessary to the conduct of its business not inconsistent with law.

§ 764. The articles of incorporation may be amended and changed in the manner provided in article one of this chapter; and a copy of any amendment or alteration attested by the president and secretary of the corporation, shall be filed in the office of the railroad commissioners and the Secretary of State within thirty days after its adoption by the corporation; and when so filed and a certificate of that fact is delivered to the president or secretary, the corporation shall have the right to make such alterations and changes in its business as are authorized by the amended articles.

§ 765. No railroad corporation organized or created by or under the laws of any other State, shall have the right to condemn land for, or acquire the right of way for, or purchase or hold land for its depots, tracks or other purposes, until it shall have first filed in the office of the Secretary of State of this State, in the manner provided in the first article of this chapter, its acceptance of the Constitution of this State, and shall have become organized as a corporation under the laws of this State, which it may do by filing in the office of the Secretary of State and the railroad commission, articles of incorporation in the manner and form provided in section 182 of this article.

§ 766. A copy of any articles of incorporation, or any amendments thereto, filed in the offices mentioned, and certified by the Secretary of State, shall be admitted as evidence for or against the corporation, and shall be *prima facie* evidence of the matters therein stated.

§ 767. Every corporation proceeding to construct its road in or through any county shall file and have recorded at its expense in the county clerk's office of such county, a map of the route, showing the center of said proposed road, and width thereof; and if, after a road is located, it is desired to change its location, or the proposed route is changed, as it may be, a map showing such change, as well as the center and width thereof, shall be filed and recorded at its expense in the county clerk's office of the county in which the change is made. If the proposed route, as indicated by the map, crosses the line of any other railroad, notice of such fact shall, before the construction of the road is commenced near the point of crossing, be given to the railroad commission, who shall give notice to the corporation whose road it is proposed to

cross, as well as the other corporation, of the time and place it will meet to consider the question of approving the crossing, if objection be made thereto; and the commission may determine the manner in which the crossing shall be made to protect against accidents thereat.

§ 768. Every company shall possess the following powers, and be subject to the following liabilities and restrictions:

First. To cause such examinations and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for such road; and, for such purposes, by its officers, agents and servants, to enter upon lands or waters of any person, but subject to liability for all damages which they shall do thereto.

Second. To receive, hold, enter upon, and take possession of such voluntary grants and donations of real and other property as shall be made to it, to aid in the construction and maintenance and operation of such road; but the real property thus received shall be held and used for the purposes of such grant or donation only.

Third. To purchase, hold, enter upon, take possession of and use all such real estate, franchise and other property as may be necessary for the construction, maintenance and accommodation of its line of road; but the same shall not be taken or appropriated without the consent of the owner until the compensation to be made therefor is agreed upon or ascertained, and paid or deposited as provided by law.

Fourth. To lay out its road not exceeding one hundred feet in width, and if more than one track is laid, fifty feet additional for each track, and construct the same; and for the purpose of cuttings or embankments, and procuring stone, gravel or other material, or for the purpose of draining its road-bed, to take, in the manner herein provided, such other lands in the vicinity of or adjacent to its road as may be necessary for the proper construction, operation and security of its road; and to change, when it deems proper, the gauge of its road; and may, for the purpose of avoiding annoyance to public travel or dangerous or difficult grades or curves, or unsafe or insecure grounds or foundations, or for other reasonable cause, change the location or grade of any portion of its road; but shall not, except as otherwise provided, depart from the general route prescribed in the articles of incorporation.

Fifth. To construct its road upon or cross any water course, private or plank road, highway, street, lane or alley, and across any railroad or canal; but the corporation shall restore the water course, private or plank road, highway, street, lane, alley, railroad, or canal to its former condition, as near as may be, and shall not obstruct the navigation of any stream, or obstruct any public highway or street, by cars of trains, for more than five minutes at any one time; and shall construct suitable road and street crossings for the passage of teams by putting down planks or other suitable material between and on each side of the rails, the top of which shall be at least as high as the top of the rails of such road or street; and in case the road is constructed upon any public street or alley, the same shall be upon such terms and conditions as shall be agreed upon between the corporation and the authorities of any city in which the same may be; but such road shall not be constructed upon any public street or alley until compensation shall be made by the corporation therefor to the owner of the property adjoining such street or alley, and opposite where such road is to be constructed, either by agreement or in the manner provided by law.

§ 769. Any company may build such spurs, switches, tracks or branches as may be necessary to conduct its business or develop business along its line of road, and for that purpose shall have all the powers and be subject to the same restrictions and liabilities as are conferred upon it for the construction of its main line; and may purchase the property and franchises of any other railroad company, at public or private sale, not a competing or parallel line; and may sell its franchises and property to any other company not a competing or parallel line or otherwise prohibited by law to purchase, and may, unless prohibited by law, subscribe to the capital stock of any other railroad company organized under the law of this or any other State, with the assent of such company, and any company organized under the laws of this, or any other State, may, unless prohibited by law, subscribe to the capital stock of any company organized under this law, with the assent of such company, and may make any agreement or arrangement, not inconsistent with law, with any other railroad company.

§ 770. Any two or more railroad companies organized under this chapter or the laws of this or any other State may unless otherwise provided by law, consolidate into a single company in the manner provided by article one, of this chapter as amended

and such new corporation shall possess all the powers, exemptions, rights and franchises conferred upon such two or more corporations, and be vested with all the property and assets of the constituent corporations, and shall be subject to all the restrictions and liabilities, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with this law.

§ 771. Corporations organized under this law shall have power to borrow such sums of money as may be necessary for funding their floating debt, or for completing, equipping or operating their road, or any part thereof, or for paying any debts incurred for such purposes, and to issue and dispose of their bonds or obligations for any amount necessarily borrowed for such purpose, and to mortgage their corporate property and franchises, or any part thereof, to secure the payment of any debt contracted, or to defray any expenditure for the purposes aforesaid; and may confer on any holder of such bonds or obligations the right to convert the same into the stock of such company; and may, in the manner provided in article one of this chapter, increase or decrease its capital stock; and the increased stock may be "common" or "preferred," as shall be designated in the call for the meeting of the stockholders. If preferred stock is issued, the company may guarantee to the holders thereof semi-annual or quarterly dividends, to an amount not exceeding six per cent. per annum, payable at its office or at such other places as the directors may designate. The stock may be sold at such time and place, either within or without the State, as may be deemed advisable, and the proceeds thereof applied for the purposes for which it was issued; the unpreferred stock of the company shall be entitled to dividends only out of the surplus of the profits, after setting apart a sum sufficient to pay the dividends upon the preferred stock; and the company which issues such preferred stock shall reserve the privilege of redeeming and cancelling the same at par at any time after three years from the date of its issue; and the preferred stock herein provided for may be convertible into bonds of the company at the option of the parties.

§ 771A 1. Whenever any company owning or operating a railroad in Kentucky, or any company owning or operating a bridge over a navigable stream constituting a boundary of the State of Kentucky, shall be insolvent and shall come into the hands of any court under proceedings to enforce any mortgage or deed

of trust, or for the payment of debts, it shall be lawful for the holders of a majority of any class of securities issued by such company, or any class of creditors of such company, to prepare and submit to such court a plan for the reorganization of the company. Such plan shall provide: First. For the payment of all taxes and assessments due and owing by such company. Second. For the payment of all debts for labor and material and supplies due by said company, and for which a lien shall exist on the property thereof under the law of the State of Kentucky. Third. For the payment of any debt due, or the assumption of any debt not due, and for which there shall exist a lien prior and superior to the claim of the class of creditors or security-holders proposing such plan. Fourth. For the issue of new classes of securities, which shall be for distribution among the creditors or the holders of the class of securities proposing such plan, and of subordinate and inferior securities or debts, and providing for such distribution. Such plan shall, as far as practicable, regard the relative rights and priorities of the different classes of creditors or security-holders.

2. When any such plan as above provided shall be filed with the court, it shall be the duty of the court to give such notice, by publication or otherwise, as it the [may] order, that a plan of reorganization has been filed in the cause, and that any holderr or holders of any securities, or any creditor of such company, shall be entitled to file objections thereto, and shall be entitled to be heard in person or by attorney on the subject thereof; and if, upon the hearing thereof, and upon consideration of such plan the court shall approve the same, or shall approve the same with such alterations and amendments as the court shall adopt, and such plan or scheme so approved shall receive the assent of the holders of three-fourths of the class of securities proposing the same, and a like proportion of all other classes of creditors subordinate thereto, and the court shall be of opinion that the said plan and scheme of reorganization is fair and equitable, and has made reasonable provision for the holders of all securities of said companies, the court shall adjudge and order that said plan or scheme of reorganization shall be adopted and carried out, and shall make proper provision for the execution thereof.

3. All creditors and persons holding securities of the said company, and not objecting to such plan of reorganization, shall be deemed to have assented thereto, and upon the entry of such

order of approval the court may require from any creditor or person holding any of the securities of said company embraced by the said plan to surrender for discharge or cancellation such outstanding claims or securities, and receive in lieu or on account thereof the new securities provided in such plan. But where claims have arisen or securities have been issued prior to the passage of this act, and any holder of such claims or securities shall object to the plan of reorganization, there shall be inserted in such plan a provision for preserving and maintaining the right of such holder so as not to impair the obligation of his contract.

4. If no such plan be proposed or approved, the court may, within such time as the court may deem proper, order a sale of the property of any such company being so administered, after such notice as shall seem to the court sufficient. At any such sale, or at any sale which shall be hereafter made, of any railroad or bridge under any decree of sale, the purchaser or purchasers shall be required to pay the amount of the bid in cash: Provided, however, That if the property shall be purchased by or in behalf of holders of any class of securities issued by the said company, the purchaser or purchasers shall be required to pay in money or securities, immediately, such amount only as the court may deem sufficient to provide against a non-compliance with the bid; and the purchaser or purchasers shall thereafter be entitled, within such time as may be fixed by the court, to pay the amount of the bid by the payment of such money as may be necessary, and by the surrender of securities in proportion as such securities shall be entitled to receive the purchase money; and all holders of the same class of securities shall be entitled to have and enjoy equal rights in any such purchases with other holders of the same class. Such purchaser or purchasers under this latter provision shall, before adopting any article of incorporation, or transferring the property to any corporation formed for the purpose, present and file with the court, in which the decree of sale was entered, a plan of reorganization with substantially the provisions required in the preceding sections, and which shall likewise be subject to the approval of the court; and when the same shall have been so approved, and an order to that effect, and providing for the execution thereof, shall have been entered, the said purchaser or purchasers may adopt articles of incorporation under and in accordance with the laws of the State of Kentucky providing for the incorporation of such companies.

5. The word "securities" as used in this act, shall embrace bonds, debentures, preferred and common stock, and other issues of obligations or certificates of substantially similar character, and the provisions hereof shall apply, as far as may be, to proceedings in relation to any separate division, or portion, or branch of any railroad on which are charged any separate issues of securities.

6. Where the property of any such company shall be partly within and partly without this State, the plan of reorganization may make provisions for including the property without the State in such plan, in such manner, as may be consistent with laws of the State where situated.

§ 772A. 1. That all corporations, companies, persons or associations owing and operating a railroad line in this Commonwealth or any branch of any railroad in this Commonwealth, the length of which exceeds five miles, shall be required and they are hereby directed, to run at least one passenger train each way on every day of the year, Sundays excepted, over said line: Provided, however, That the operation of a train known as a mixed train on lines carrying passengers and freight for hire, on which both passengers and freight are carried, if operated in accordance with the provisions of this act, shall be deemed a compliance therewith. Provided, further, That the provisions of this act shall not apply to mere coal switches or any switch or branch, which is chartered and used by any corporation, company or person merely for the purpose of carrying freight or coals to their main line or track.

2. That any corporation, association, company or person who shall wilfully violate the provisions of this act shall be liable to a forfeiture of the charter of such corporation, company or association, and upon conviction in a court of competent jurisdiction shall be fined not less than three hundred dollars for each offense. And the failure of such corporation, company, association or person to run a train either way on any day during the year, Sundays excepted, shall be considered and treated as separate and distinct offense.

3. The penalties herein denounced may be recovered by indictment in the circuit court of any county through which the tracks of such railroad extends, or by information lodged by the county or Commonwealth's attorney or by any ordinary suit for penalties.

4. That it shall be the duty of the judge of the circuit court

of each county through which the line of railroad extends to give in charge to the grand jury, the provisions of this act, at each session of the circuit court held in any county through which the line of such road extends.

SUBDIVISION II. GENERAL PROVISIONS.

§ 772 Any company that has established and maintained throughout the year, for five consecutive years, a passenger station at a point on its road, shall not abandon such station, without the written consent of the railroad commission; and if any station used by the company is burned, or otherwise destroyed, or becomes unfit for the accommodation of the public, the railroad commission shall notify, in writing, the manager or chief officer in this State of the company owning or using such station to rebuild or repair the same, as the case may be, and such company shall, within ninety days after such notice, comply with the requirements thereof, and that every company operating a railroad in this State shall provide a convenient and suitable waiting room and water-closet at all depots in cities and towns and such other stations as the railroad commission may require on its lines, and keep and maintain the same in decent order and repair.

§ 773. Every company shall cause signal boards, well supported by posts or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side, in capital letters at least five inches high, the following inscription: "Railroad Crossing," to be placed and constantly maintained, at each public highway where it is crossed by the railroad at the same level; but such board need not be put up in cities or towns, unless required by the local authorities thereof.

§ 774. That whenever in the opinion of the railroad commission, the public interest require that a gate be erected or maintained, or a flagman be stationed at any street or highway crossing, they shall give the superintendent or manager of the railroad written notice that the same is required, and the company shall, within the time prescribed by the commission, erect and maintain at such crossing the character of gate directed by the commission, and keep a man in charge of the same during such hours as they may designate, or keep a flagman at such crossing during such hours as they may require.

§ 775. That whenever railroads cross each other in the State, the trains shall be brought to a full stop at least fifty feet before getting to the crossing: Provided, however, that the provision of this act shall not be applicable where the crossings of such roads are regulated by derailing switches, or other safety appliances, which prevent collisions at crossings, nor where a flagman or watchman is stationed at such crossings and signal that the trains may cross in safety.

§ 776. No bridge or passway hereafter constructed over any railroad except in cities having power under their charters to regulate the heights of such bridges or passways, shall be at a height less than twenty-two feet above the tracks of the road, unless by the written authority of the commission; and whenever there shall be over any railroad a bridge, tunnel or other obstruction, at a height of less than seven feet above the roof of the freight cars used or hauled on said road, it shall be the duty of the officers of such road to erect and keep in repair, at or near such bridge, tunnel or obstruction, and on each side thereof, a rod or beam placed across the track, at such height and at such distance from the bridge, tunnel or obstruction, as the railroad commission shall direct; and from such rod or beam shall be suspended straps, ropes or cords, of such length as the commission may determine, and not greater than six inches apart, for the space of eight feet, directly over the track.

§ 777. Notice of every accident which may occur and be attended with loss of life shall be given within five days thereafter by the company operating the road on which the accident occurred to the railroad commission, and such company shall furnish the commission all information required by it concerning the cause of the accident.

§ 778. No regular or other passenger train shall be run without an air-brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall, at all times, be kept in good condition and ready for use at the direction of the engineer. The provisions of this section shall not apply to mixed trains.

§ 779. Every company shall require a uniform cap or hat, and distinguishing badges to be worn by all its employes except engineers and firemen, whose duties relate immediately to the transportation of passengers.

§ 780. Before the first day of January, 1894, every company shall adjust, fix or block the frogs on its tracks to prevent the feet of its employes from being caught therein.

§ 781. All railroad companies doing business in this State, upon lines owned or leased by them, shall, within thirty days after this act goes into effect, furnish to the railroad commissioners copies of all their rates and tariffs then in force; and shall also furnish the commission with copies of all rates and tariffs, or changes therein, thereafter made, at the date that the same are issued.

§ 782. All companies shall place in, on or around the tops of the chimneys of engines a screen, fender, damper, or other appliance that will prevent, as far as possible, sparks of fire from escaping from such chimneys.

§ 783. Every company shall furnish sufficient accommodation for the transportation of all such passengers and property as shall within a reasonable time previous thereto, offer, or be offered, for transportation, at places established by the corporation for receiving and discharging passengers and freight, and shall, when requested, check every parcel of baggage taken for transportation, if there is a handle, loop, or fixture, so that the same can be attached, and shall give to the person delivering such baggage a check for the same.

§ 784. All companies shall keep their ticket offices open for the sale of tickets at least thirty minutes immediately preceding the departure of all passenger trains from every regular passenger depot from which such trains start, or at which they stop; and when any regular passenger train is delayed for thirty minutes in its arrival at a station which is a telegraph office, it shall cause to have posted, in some conspicuous place in the waiting room for passengers at such station, the fact of and length of time of the delay as soon as the same is ascertained by its agent at such station, and shall keep the waiting room open for passengers until the train arrives; and shall cause to be announced twice within each passenger car of every passenger train, within a reasonable time before its arrival at a station at which, from notice given, it is to stop, the name of such station, and at junctions, crossings and points where trains leave at or near the same time in different directions, shall cause to be announced in each passenger car the direction in which such car is to go.

§ 785. Every company that shall have unclaimed freight not

perishable, or unclaimed baggage in its possession, for one year or more, may sell the same at public auction, and out of the proceeds thereof retain the expenses of transportation, storage, advertisement and sale. Notice of such sale shall be given to the consignor and consignee by letter addressed to each of them, respectively, and mailed to the nearest postoffice to the place at which the goods were received, and to which they were carried; and notice of such sale shall also be published for four weeks in some newspaper of general circulation in the State. In case the freight is perishable, it may be sold as soon as it is deemed necessary and proper, and notice of such sale be given, if practicable, to the consignor and consignee, as herein directed. A record shall be kept of the articles sold and prices obtained therefor, and the surplus, if any, after payment of charges, shall be paid to the owner of such articles, if demanded, at any time within two years from date of sale.

§ 786. Every company shall provide each locomotive engine passing upon its road with a bell of ordinary size and steam whistle, and such bell shall be rung, or whistle sounded outside of incorporated cities and towns at a distance of at least fifty rods from the place where the road crosses upon the same level any highway or crossing at which a sign board is required to be maintained and such bell shall be rung or whistle sounded continuously or alternately until the engine has reached such highway crossing and shall give such signals in cities and towns as the legislative authorities thereof may require.

§ 787. No passenger car on any railroad shall be lighted by naphtha or illuminating oil or fluid made in part of naphtha, or any oil or fluid which will ignite at a temperature of less than three hundred degrees Fahrenheit.

§ 790. Every company shall keep its right of way clear and free from weeds, high grass, and decayed timber, which, from their nature and condition, are combustible material, liable to take and communicate fire from passing trains to abutting or adjacent property.

§ 791. Every person now operating, or that may hereafter operate, a railroad in this State, under a contract or lease, shall have the same recorded in the office of the Secretary of State and in the county clerk's office of every county in which said road, or part thereof, lies, within thirty days after the contract or lease

is executed, or if heretofore made, within thirty days after this law goes into effect.

§ 792. When two railroad companies use the same line of roadway in the operation of their trains, they shall afford along such roadway reasonable and proper facilities for the receiving, forwarding and delivering of passengers and property without discrimination in their rates and charges. All contracts made between such companies in so far as the same shall conflict with the provisions of this section are hereby declared to be null and void, and contrary to public policy. The railroad commissioners shall enforce the provisions of this section by imposing the same penalties for violations thereof as is provided in section 227 of this act for violations of said section.

§ 793. Any company failing to comply with or violating or permitting any of its employes or agents to violate any of the provisions of sections 772, 773, 774, 775, 777, 778, 780, 781, 782, 786, 787 and 791 of this article, shall, in addition to subjecting itself to any damages that may be caused by such failure or violation, be guilty of a misdemeanor, and be fined for each failure or violation not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the circuit court of any county through which the company in default operates a line of road, or in the Franklin Circuit court.

§ 794. Any person who shall recklessly, wantonly or maliciously throw any stone, stick or club or other missile, at or into, or shoot at or into any engine of any railroad train in this State, or any car attached thereto, on or in which engine or car there may be any passenger or other person, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than six nor more than twelve months. And if any such stone, stick, club or other missile so thrown was calculated to produce death or great bodily harm, and any person or passenger, on or in such engine or car attached thereto, shall be injured or wounded, such person throwing the same shall be deemed guilty of a felony, and be fined in a sum not less than two hundred nor more than five hundred dollars, and imprisoned in the penitentiary not less than one nor more than two years. And should death ensue from such throwing or shooting within one year thereafter, the person guilty of the same, as herein provided, shall be deemed guilty of murder.

§ 805. It shall be unlawful for any person other than passengers and employes, to get on or off on the outside, or to swing on or hang on from the outside of any engine or car whilst the same is in motion or switching, or immediately preceding its moving or switching. Any person violating the provisions of this section shall be fined not exceeding ten dollars for each offense.

§ 806. If any person whilst riding on a passenger or other train, shall, in the hearing or presence of other passengers, and to their annoyance, use or utter obscene or profane language, or behave in a boisterous or riotous manner, or obtain, or attempt to obtain, money or property from any passenger by any game or device, he shall be fined for each offense not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail not less than ten nor more than fifty days, or both so fined and imprisoned; and it shall be the duty of the conductor in charge of any train upon which there is a person who has violated the provisions of this section, either to put such person off the train, or to give notice of such violation to some peace officer at the first stopping place where any such officer may be.

§ 807. Any person who shall willfully and maliciously tear up, displace, break, or disturb, any rail or other fixture attached to the track or switch of any railroad in operation, or break any bridge or viaduct of such road, or who shall place any obstruction on the track or switch of such road, or do any act whereby an engine or car might be upset, arrested or thrown from the track of such road or switch, or any branch or turn-out, shall be confined in the penitentiary not less than one nor more than five years.

§ 808. Any person who shall, by any of the acts mentioned in the next preceding section, cause the life of any person to be put in immediate peril, or cause any locomotive or car to be actually thrown from the track, shall be confined in the penitentiary not less than two nor more than ten years.

§ 809. If, by the locomotives or cars of any company, cattle shall be killed or injured on the track of said road adjoining the lands belonging to, or in the occupation of the owner of such cattle, who has not received compensation for fencing said land along said road, the loss shall be divided between the railroad company and the owner of such cattle; but in every case where cattle are killed or injured by the negligence or carelessness of the agents or servants of any company, it shall pay full damages for such killing or injury; and the killing or injury of cattle by the engine or cars

of any company shall be *prima facie* evidence of negligence and carelessness on the part of the company, its agents and servants.

§ 810. Whenever any cattle may be killed or injured by the cars or locomotive upon any railroad, it shall be lawful for the owner of the cattle so killed or injured, after first giving the nearest station agent of the company operating said railroad written notice of his intention, to apply to a justice of the peace within the district in which said cattle may have been killed or injured; and said justice shall appoint three discreet and disinterested housekeepers of his county a board of appraisers, who, after being duly sworn, shall examine the cattle so killed or injured, and affix a value upon the same if killed, or assess the damages to the same if injured, and return to said justice a written report carefully describing the cattle, stating whether they were killed or injured, and also setting out the valuation or assessments of damages made by them; which report said justice shall preserve as a part of the records of his office.

§ 811. If the company shall fail, for sixty days, to pay to the owner of the cattle so killed or injured the full amount assessed by said board of appraisers, and one-half the costs attending the assessment, he shall have the right to institute suit on the original cause of action, and if upon the trial, he recovers a verdict for an amount equal to the amount assessed in his favor by said board of appraisers, it shall be the duty of the court to render judgment in his favor for the amount of said verdict, and twenty-five per centum in addition thereto; but if the company has offered to pay the award and the owner has refused to accept the same, and he fails to recover a verdict for an amount equal to said assessment, the cost of the action shall be taxed against him.

§ 812. The justice of the peace and the three appraisers shall receive for their services, each the sum of one dollar, to be paid equally by the company and the owner of the stock killed or injured; and if an action is brought against the company, these fees shall be taxed as cost against the unsuccessful party.

§ 813. The provisions of the last three preceding sections shall not apply to any railroad company which shall inclose its entire line of road with a good and lawful fence, and good and sufficient cattle-gaps, and keep the same in repair.

§ 814. The rolling stock and other movable property belonging to any company in this State shall be considered personal

property, and liable to execution and sale in the same manner as the property of individuals; and the earnings, money, and choses in action of any company in the hands of any officer, agent or employe may be subjected to the payment of debts in the same manner as similar property of individuals; and after an execution on a judgment against any company owning or operating any railroad in this State shall be returned by the proper officer no property found, in whole or in part, the plaintiff therein may institute an equitable action against said company in the circuit court of the county in which said judgment was rendered, to place its road and property in the hands of a receiver; and the court, upon a petition showing said return, and the failure to pay said judgment upon the services of summons upon said company, shall appoint some suitable person as receiver of said company, and, as such take possession and control of all the road and property belonging to and operated by said company, including all rolling stock thereof. Said receiver shall operate said road until he shall have collected a sum sufficient to pay off the judgment and costs, and the cost of the receivership, when he shall surrender the road and property to the defendant. The receiver shall first pay out of the earnings and receipts of the road collected by him the necessary operating expenses, including in same what shall be necessary to keep said road in such repair that it can be safely and properly operated. The said receiver before entering upon his duties, shall execute a bond for the faithful performance of his duties, with good and sufficient sureties, to be approved by the court.

§ 815. Any person engaged in operating a mine or stone quarry within three miles of any navigable stream or railroad, may, for the purpose of transporting material to and from such stream or railroad and such mine or quarry construct and operate a line of railroad for such mine or quarry to the most convenient and accessible point on such stream or road, and may, under the general laws, condemn such land as may be necessary, not exceeding fifty feet in width for each track necessarily constructed, and not exceeding two acres of land at such railroad or stream for the purpose of necessary buildings. The owner or operator of such road shall be, so far as they are applicable, governed and controlled by the laws relating to other railroads, and shall have the same rights and privileges granted to corporations owning and operating lines of railroad.

§ 816. If any railroad corporation shall charge, collect or receive more than a just and reasonable rate of toll or compensation for the transportation of passengers or freight in this State, or for the use of any railroad car upon its tracks, or upon any track, it has control of, or the right to use in this State, it shall be guilty of extortion. (35 S. W. Rep., 129.)

§ 817. If any corporation engaged in operating a railroad in this State shall, directly or indirectly, by any special rate, rebate drawback or other device, charge, demand, collect or receive from any person a greater or less compensation for any service rendered in the transportation of passengers or property than it charges, demands, collects or receives from any other person for doing for him a like and contemporaneous service in the transportation of a like kind of traffic, it shall be deemed guilty of unjust discrimination. (46 S. W. Rep., 702.)

§ 818. It shall be unlawful for any corporation to make or give any undue or unreasonable preference or advantage to any particular person or locality, or any particular description of traffic, in any respect, whatever, in the transportation of a like kind of traffic; or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage. When one or more car loads of freight shall be transported at the same time for different persons, and for each shipper a car load or more, such shipment shall be considered and taken as the same quantity of freight within the meaning of this law; and when less than a car load of freight, and over five thousand pounds, are transported at the same time for different shippers, and for each shipper over five thousand pounds, such shipment shall be considered and taken as the same quantity of freight; and when over five hundred pounds and less than five thousand pounds are transported at the same time for different shippers, and for each shipper said quantity of freight, such shipment shall be considered and taken as the same quantity of freight. (46 S. W., Rep., 700.)

§ 819. Any railroad corporation that shall be guilty of extortion or unjust discrimination, or of giving to any person or locality or to any description of traffic, an undue or unreasonable preference or advantage, shall upon conviction, be fined for the first offense in any sum not less than five hundred dollars nor more than one thousand dollars; and upon a second conviction, in any sum not less than five hundred dollars nor more than two thous-

and dollars; and upon a third conviction, in any sum not less than two thousand dollars nor more than five thousand dollars. The circuit court of any county, into or through which the line of railroad may run, owned or operated by the corporation alleged to be guilty as aforesaid, and the Franklin Circuit Court, shall have the jurisdiction of the offense, which shall be prosecuted by indictment, or by action in the name of the Commonwealth, upon information filed by the Board of Railroad Commissioners; and such railroad corporation shall also be liable in damages to the party aggrieved to the amount of damages sustained, together with cost of suit and reasonable attorney's fees to be fixed by the court. Indictments under this section shall be made only upon the recommendation or request of the Railroad Commission filed in the court having jurisdiction of the offense; and all prosecutions and actions under this law shall be commenced within two years after the offense shall have been committed, or the cause of action shall have accrued.

§ 820. If any person owning or operating a railroad in this State, or any common carrier shall charge or receive any greater compensation in the aggregate for the transportation of passengers or property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance, over the same line in the same direction, the shorter being included within the longer distance, such person shall, for each offense, be guilty of a misdemeanor, and fined not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Franklin Circuit Court, or the circuit court of any county into or through which the railroad or common carrier so violating runs or carries on its business. Upon complaint made to the Railroad Commission that any railroad or common carrier has violated the provisions of this section, it shall be the duty of the commission to investigate the grounds of complaint, and if, after such investigation, the Commission deems it proper to exonerate the railroad or common carrier from the operation of the provisions of this section, an order in writing to that effect shall be made by the Commission, and a copy thereof delivered to the complainant and the railroad or common carrier, and the same shall be published as a part of the report of the Commission; and after such order, the railroad or carrier shall not be prosecuted or fined on account of the complaint made. If the Commission, after investigation, fails to exonerate the railroad

or carrier from the operation of the provisions of this section, an order in writing to that effect shall be made by the Commission and a copy thereof delivered to the complainant, and the railroad or common carrier, and the same shall be published as a part of the report of the Commission; and after such order it shall be the duty of the Commission to furnish a statement of the facts, together with a copy of its order, to the grand jury of any county, the circuit court of which has jurisdiction, in order that the railroad company or carrier may be indicted for the offence; and the Commission shall use proper efforts to see that such company or carrier is indicted or prosecuted. (51 S. W. Rep., 164, 1012.)

SUBDIVISION III. RAILROAD COMMISSION.

§ 821. There is established a department in the State Government to be known as the Railroad Commission, which shall be composed of three commissioners, one of whom shall act as chairman, and whose duty it shall be to see that the laws relating to all railroads except street, are faithfully executed, and to exercise a general supervision over the railroads of the State. Each of said commissioners is authorized to administer oaths, and two of them shall constitute a quorum.

§ 822. The office of the Commission shall be at the seat of government, and they shall be provided with suitable offices, furniture and stationery by the State, and may appoint a secretary at a salary of twelve hundred dollars per year, which shall be paid by the State; each commissioner shall, before entering upon the duties of his office, take an oath to discharge faithfully the duties of his office; and they shall each receive an annual salary of two thousand dollars and their actual necessary traveling expenses while engaged in the discharge of their duties, which, together with the salary of the secretary; shall be paid in same manner as the salary of the Governor, except that before any expenses are paid, the chairman of the Commission shall file with the auditor an itemized statement of said expenses, signed by him and approved by the Governor, which statement shall be filed before any warrant can be issued therefor.

§ 823. At the regular election in 1895, and every four years thereafter, there shall be elected one commissioner from each of

the districts hereafter designated, by the qualified voters thereof, who shall take his office on the fifth Tuesday next succeeding his election and hold the same for four years, and until his successor is elected and qualified.

§ 824. For the purpose of electing commissioners the State is divided into three districts, the first composed of counties of Meade, Hardin, Larue, Hart, Metcalfe, Barren, Monroe, Allen, Simpson, Warren, Edmonson, Grayson, Breckinridge, Hancock, Ohio, Butler, Logan, Todd, Muhlenberg, McLean, Daviess, Henderson, Webster, Hopkins, Christian, Trigg, Caldwell, Lyons, Crittenden, Union, Livingston, Marshall, Calloway, Graves, McCracken, Ballard, Hickman, Fulton and Carlisle. The second composed of the counties of Gallatin, Owen, Scott, Fayette, Jessamine, Pulaski, Wayne, Clinton, Russell, Casey, Lincoln, Garrard, Boyle, Mercer, Anderson, Woodford, Franklin, Henry, Oldham, Carroll, Trimble, Jefferson, Shelby, Spencer, Bullitt, Nelson, Washington, Marion, Taylor, Green, Adair and Cumberland. The third composed of the counties of Boone, Kenton, Grant, Harrison, Bourbon, Clark, Estill, Madison, Jackson, Laurel, Rockcastle, Whitley, Knox, Bell, Harlan, Leslie, Perry, Letcher, Floyd, Pike, Martin, Johnson, Clay, Breathitt, Owsley, Lee, Powell, Montgomery, Bath, Nicholas, Fleming, Robertson, Pendleton, Bracken, Campbell, Lewis, Greenup, Mason, Rowan, Carter, Elliott, Boyd, Lawrence, Morgan, Magoffin, Wolfe, Menifee and Knott.

§ 825. Every railroad company shall, on or before the first day of September in each year, make and transmit to the Commission, at its office in Frankfort, under oath of the president or manager of the company, a full and true statement of the affairs of said company as the same existed on the first day of the preceding July, specifying:

1st. The amount of capital stock paid up, and the names of the owner thereof, and amounts owned by each, and the residence of each stockholder as far as known.

2d. The amount of its assets and liabilities.

3d. The names and places of residence of its general officers.

4th. The amount of cash paid to the company on account of the original capital stock.

5th. The amount of funded debt.

6th. The amount of floating debt.

7th. The estimated value of the road-bed, including iron and bridges.

- 8th. The estimated value of rolling stock.
- 9th. The estimated value of stations, buildings and fixtures.
- 10th. The estimated value of other property.
- 11th. The length of single main track.
- 12th. The length of double main track.
- 13th. The length of branches; stating length of single and of double track.
- 14th. The aggregate length of siding and other tracks not above enumerated.
- 15th. The number of miles run by passenger trains during the year preceding the making of the report.
- 16th. The number of miles run by freight trains during the same period.
- 17th. The number of tons of through freight carried, and the number of tons of local freight during the same period.
- 18th. The monthly earnings for the transportation of passengers during the same time.
- 19th. The monthly earnings for the transportation of freight during the same time.
- 20th. The monthly earnings from all other sources respectively.
- 21st. The amount of expenses in running passenger trains during the same time.
- 22d. The expenses incurred in running freight trains, and in running mixed trains during the same time.
- 23d. All other expenses incurred in the management of the road, including the salaries of the officers, which shall be reported separately.
- 24th. The amount expended for repairs of the road and maintenance of way, including repairs and renewals of bridges and renewals of iron.
- 25th. The amount expended for improvements, and whether the same is estimated as a part of the expenses of operating or repairing the road; and if either, which?
- 26th. The amount expended for motive power cars.
- 27th. The amount expended for station houses, buildings and fixtures.
- 28th. All other expenses for maintenance of way.
- 29th. All other expenses for other purposes.
- 30th. The number of tons of freight carried one mile.
- 31st. The amount received per ton per mile.

32d. The average distance each ton was hauled, and the average cost of hauling a ton of freight one mile.

33d. What freight and transportation companies run on its road, and on what terms, and whether such transportation companies use the cars of the railroad company, or cars furnished by themselves.

34th. Whether the freight or cars of such transportation companies are given any preference in speed or order of transportation; and, if so, in what particular? The Commission may propound any additional interrogatories, which shall be answered by such company in the same manner as those specified in the foregoing section; and the Commission shall furnish to each company in proper time, blanks upon which to answer the foregoing and such other questions as may be propounded.

§ 826. Said Commission shall examine all through freight rates from points out of this State to points into this State; and whenever they find that a through rate charged into or out of this State is excessive or unreasonable, or discriminating in its nature, they shall call the attention of the railroad officials in this State to the fact, and to urge them of the propriety of changing such rates. And when such rates are not changed, it shall be the duty of said Commission to present the facts to the Inter-State Commerce Commission and appeal to it for relief, and they shall receive upon application the services of the Attorney-General of this State and into the condition, management, and all other matters concerning the business of railroads in this State so far as the same pertain to the relation of such railroads to the public, and whether such railroad corporations, their officers and employees comply with the laws of the State; and whether it shall come to their knowledge, or they shall have reason to believe that the laws affecting railroad corporations in their business relations to the public have been violated, they shall prosecute, or cause to be prosecuted, the corporations or persons guilty of such violations.

§ 827. They shall have the power to examine, under oath, any person, or the directors, officers, agents and employees of any railroad corporation doing business in this State, concerning the management of its affairs, and to obtain information pursuant to this law; and shall have power to issue subpoenas for the attendance of witnesses, and to administer oaths; and any person who shall neglect or refuse to obey the process of subpoenas issued by

said Commission or who being in attendance shall refuse to testify, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment not less than ten nor more than fifty days, or both in the discretion of the jury.

§ 828. Each officer, agent or employe failing or refusing to make, under oath, any report required by the Commission within the time required, or failing or refusing to answer fully, under oath if required, any inquiry propounded by the Commission, or who shall, in any way, hinder or obstruct the Commission in the discharge of its duty, shall be guilty of a misdemeanor, and shall be fined for each offense not less than five hundred nor more than one thousand dollars; and it shall be the duty of the Commission to prosecute the person offending; and the Franklin Circuit Court, or the circuit court of any county through which the railroad runs, the officers, agents or employes of which has violated the provisions of this section, shall have jurisdiction of such prosecution, and it shall be the duty of the Commonwealth's Attorney to prosecute all indictments, actions and proceedings under this law.

§ 829. The Commission shall hear and determine complaints under sections 223, 224 and 225. Such complaints shall be made in writing, and they shall give the company complained of not less than ten days notice of the time and place of the hearing of the same. They shall hear and reduce to writing all the evidence adduced by the parties, and render such award as may be proper. If the award of the Commission be not satisfied within ten days after the same is rendered, the chairman shall file a copy of said award, and the evidence heard, in the office of the clerk of the circuit court of the county, which, under the Code of Practice, would have jurisdiction of said controversy, and the clerk of said court shall enter the same on the docket for trial; and summons shall be issued as in other cases against the party against whom the award shall have been rendered, requiring said party to appear in the court within the time allowed in ordinary cases, and show cause why said award shall not be satisfied. If such party fails to appear, judgment shall be rendered by default, and the same proceedings had thereon as in other ordinary cases. If a trial is demanded, the case shall be tried in all respects, as other ordinary cases in which the same amount is involved, except that

no evidence shall be introduced by either party except that heard by the Commission, except such as the court shall be satisfied, by sworn testimony, could not have been produced before the Commission by the exercise of reasonable diligence; the judgment and proceedings thereon shall be the same as in other ordinary cases.

§ 830. Whenever, in the judgment of the Commission, after a personal examination of the same, it shall appear that repairs are necessary upon any railroad, or when from complaint made or their own knowledge, they shall have reason to believe that the tracks, bridges, tunnels or other structures of any company are in an unsafe or dangerous condition, or unfit for public travel, or that any addition to, improvements or changes in the stations or terminal facilities are needed for the convenience and security of the public, they shall give notice in writing to the company owning or operating such road of the repairs, improvements or changes they deem proper and necessary, and shall afford such corporation an opportunity to be heard in reference thereto, and if the company shall neglect or refuse to make such repairs, improvements or charges within a reasonable time after such hearing if a hearing is requested by the company, and the Commission shall believe that such improvements or changes are proper and necessary after a hearing, if one is had, they shall lay the facts before the Attorney-General for his action, and shall report the same fully to the next Legislature; no examination, request, advice or report of the Commission shall, in any way, affect the duties or obligations of any company, or relieve it from any liability.

§ 831. The Commission shall not be required to give publicity to any contracts, leases or engagements obtained by them in their official capacity, if the interest of any company would thereby be injuriously affected, unless, in the judgment of the commission, the public interest requires it.

§ 832. The commissioners, nor either of them, shall, directly or indirectly, solicit or request from, or recommend to, any railroad company, or any officer, attorney, agent or employe thereof, the appointment of any person to any place or position, nor shall any company offer them, or either of them, any place or appointment for themselves or other persons, nor shall they, or either of them, directly or indirectly, request, accept or receive any present gift or gratuity of any kind from any company. A violation of

the provisions or any of them of this section shall subject the person or corporation so violating to a fine of not less than one thousand nor more than five thousand dollars, to be recovered by indictment as other penalties for violations of law are.

§ 833. For a copy of any record on file in their office they shall charge and receive the same fees that are charged by the Secretary of State for similar services, and shall cover into the State Treasury any amount so received.

§ 834. The Commission shall annually, on the first day of December, make a report to the Governor of all matters relating to their office for the preceding year, and such as will disclose the practical workings of the railroads in this State, and such suggestions in relation thereto, as they may deem necessary and proper, and shall have printed and lay before each Legislature, within the first ten days of its session, five hundred copies of their reports for the preceding two years.

SUBDIVISION IV. CONDEMNATION OF LAND.

§ 835. When any company authorized to construct a railroad shall be unable to contract with the owner of any land or material necessary for its use for the purpose thereof, it shall file, in the office of the clerk of the county court, a particular description of the land and material sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon the said court shall appoint three impartial housekeepers of the county who are owners of land, and who shall be sworn to faithfully and impartially discharge their duties under this law.

§ 836. It shall be the duty of said commissioners to view the land and material, and to award to the owner or owners the value of the land or material taken, which shall be stated separately; and they shall also award the damages, if any, resulting to the adjacent lands of the owner, considering the purposes for which it is taken; but shall deduct from such incidental damages the value, if any, of the advantages and benefits that will accrue to such adjacent lands from the construction and prudent operation of the railroad proposed to be constructed. They shall return a

report in writing to the office of the clerk of said court, stating their award, and shall describe, in their report, the land and material condemned, give the names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

§ 837. Upon the application of said company, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court.

§ 838. At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

§ 839. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be empaneled to try the issues of fact made by the exceptions, and each juror shall be allowed one dollar per day for his services, to be taxed as cost. In assessing the damages the jury shall be governed by the rule prescribed in section 242 of this law; and upon the request of either party, may be sent by the court, in charge of the sheriff, to view the land or material. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title upon the payment of damages assessed. Either party may appeal to the circuit court, by executing bond as required in other cases, within thirty days, and the appeal shall be tried *de novo*, upon the confirmation of the report of the commissioners by the county court, or the assessment of damages by said court, as herein provided, and the payment to the owners of the amount due, as shown by the report of the commissioners when confirmed, or as shown by the judgment of the county court. When the damages are assessed by said court, and all costs adjudged to the owner, the railroad company shall be entitled to take possession of said land and material, and to use and control the same for the purpose for which it was condemned, as fully as if the title had been conveyed to it. But

when an appeal shall be taken from the judgment of the county court by the company, it shall not be entitled to take possession of the land or material condemned until it shall have paid into court the damages assessed and all costs. All money paid into court under the provisions of this law shall be received by the clerk of the court, and held subject to the order of the court, for which he and his sureties on his official bond shall be responsible to the persons entitled thereto.

§ 840. The appeal from the county court shall be taken by filing with the clerk of the court to which the appeal lies a statement of the parties to the appeal, and a transcript of the orders of the county court, and thereupon the said clerk shall certify to the clerk of the county court that said appeal has been filed and the clerk of the county court shall immediately transfer the original papers to the clerk of the court to which the appeal is pending; and if the owner on his appeal shall fail in the circuit court to increase the amount of damages awarded in the county court he shall pay all the costs of the appeal; if the damages are increased in the circuit court, the other party shall pay all the costs of the appeal. The same rule as to payment of costs shall apply when the appeal is prosecuted by the party seeking to condemn land.

§ 841. No company, association or corporation created by, or organized under the laws or authority of any State or country other than this State, shall possess, control, maintain or operate any railway, or part thereof, in this State until, by incorporation under the laws of this State, the same shall have become a corporation, citizen and resident of this State. Any such company, association or corporation may, for the purpose of possessing, controlling, maintaining or operating a railway or part thereof in this State, become a corporation, citizen and resident of this State by being incorporated in the manner following, namely: By filing in the office of the Secretary of State, and in the office of the Railroad Commission, a copy of the charter or articles of incorporation of such company, association or corporation, authenticated by its seal and by the attestation of its president and secretary, and thereupon, and by virtue thereof, such company, association or corporation shall at once become and be a corporation, citizen and resident of this State. The Secretary of State shall issue to such corporation a certificate of such incorporation.

§ 842. Any company, association or corporation that, after the first day of August, one thousand eight hundred and ninety-

three, possesses, controls, maintains or operates any railway, or part thereof, in this State, without becoming incorporated as a corporation, citizen and resident of this State, as permitted by section eight hundred and forty-one shall be guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars for each day, or part thereof, that any railway, or part thereof, in this State, is possessed, controlled, maintained or operated by it; any person that in any wise aids or assists, either as officer, agent, servant or employe in so possessing, controlling, maintaining or operating any railway, or part thereof, in this State, shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars for each day or part thereof that he so assists or aids.

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- ✓ AN ACT to prevent railroad companies or corporations owning or operating a line or lines of railroad, and its officers, agents and employes from charging, collecting or receiving extortionate freight or passenger rates in this Commonwealth, and to further increase and define the duties and powers of the Railroad Commission in reference thereto, and prescribing the manner of enforcing the provisions of this act and penalties for the violation of its provisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. When complaint shall be made to the railroad commission accusing any railroad company or corporation of charging, collecting or receiving extortionate freight or passenger rates, over its line or lines of railroad in this Commonwealth, or when said commission shall receive information, or have reason to believe that such rate or rates are being charged, collected or received, it shall be the duty of said commission to hear and determine the matter as speedily as possible. They shall give the company or corporation complained of not less than ten days' notice, by letter mailed to an officer or employe of said company or corporation, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, arguments or evidence offered by the parties as the commission may deem relevant, and should the commission determine that the company or corporation is, or has been guilty of extortion, said commission shall make and fix a just and reasonable rate, toll or compensation, which said railroad company or corporation may charge, collect or receive for like services thereafter rendered. The rate, toll or compensation so fixed by the commission shall be entered and be an order on the record book of their office and signed by the commission and a copy thereof mailed to an officer, agent or employe of the railroad company or corporation affected thereby, and shall be in full force and effect at the expiration of ten days thereafter, and may be revoked or modified by an order likewise entered of record. And should said railroad company or corporation, or any officer, agent or employe thereof, charge, collect or receive a greater or higher rate, toll or compensation for like services thereafter rendered than

that made and fixed by said commission, as herein provided, said company or corporation, and said officer, agent or employe shall each be deemed guilty of extortion, and upon conviction shall be fined for the first offense in any sum not less than five hundred dollars, nor more than one thousand dollars, and upon a second conviction, in any sum not less than one thousand dollars nor more than two thousand dollars, and for a third and succeeding convictions, in any sum not less than two thousand dollars nor more than five thousand dollars.

Sec. 2. The circuit court of any county into or through which the line or lines of road carrying such passenger or freight, owned or operated by said railroad, and the Franklin Circuit Court shall have jurisdiction of the offense against the railroad company or corporation offending, and the circuit court of the county where such offense may be committed by said officer, agent or employe shall have jurisdiction in all prosecutions against said officer, agent or employe.

Sec. 3. Prosecutions under this act shall be by indictment.

Sec. 4. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

Sec. 5. In making said investigation, said commission may, when deemed necessary, take the depositions of witnesses before an examiner or notary public, whose fee shall be paid by the State, and upon the certificate of the chairman of the commission, approved by the Governor, the auditor shall draw his warrant upon the treasurer for its payment.

Approved March 10, 1900.

Interurban Railroads.

CHAPTER 13, ACTS 1902.

§ 1. All interurban electric railroad companies authorized to construct a railroad ten or more miles in length, heretofore or hereafter incorporated under the general railroad laws of this Commonwealth, shall be under the same duties and responsibilities, so far as practicable, and shall have the same rights, powers and privileges as is now granted to or conferred upon railroad corporations existing, operated or incorporated under existing laws of this Commonwealth, or under laws that may hereafter be enacted.

§ 2. Interurban electric railroads shall not, unless by special contract with electric street railway companies, receive, transport and deliver passengers between points within the limits of cities or municipalities, which are contiguous or adjacent, and into and through which such electric street railways are being operated, while using the tracks of such electric street railways therein.

§ 3. All property of interurban electric railroads, both tangible and intangible, shall be valued and assessed for taxation in the same manner provided by law for the valuation and assessment of other railroad property in this Commonwealth.

§ 4. Any interurban electric railroad company now incorporated, or that may hereafter be incorporated as prescribed in section one of this act is hereby authorized and empowered to contract with the owner of any land, material or water right, necessary for the construction and equipping and maintaining a reservoir within five miles of the line of railroad or a line of railroad proposed to be constructed or for a supply of water from a lake or river for the use and purpose of providing and maintaining a sufficient supply of water for its power-house or power-houses, and conveying, by a pipe line, the water thereto. When any company authorized to construct interurban electric railroads shall

be unable to contract with the owner of any land or material or water rights, necessary for the purpose of constructing, equipping, and maintaining a reservoir to provide a sufficient supply of water, and pipe the same to its power-house or power-houses, it shall have the right to condemn the same, in the same manner in which railroad companies condemn land for rights of way.

§ 5. Nothing in this act shall be construed as depriving companies heretofore organized and which may hereafter be organized and incorporated under the general railroad laws of this Commonwealth, governing such companies, and which companies, use or intend to use, electricity or other motive power, of the right of condemnation or other rights and privileges which they obtain or may obtain by reason of their incorporating under the general railroad laws of this Commonwealth.

§ 6. Any person who shall willfully and maliciously tear up, break or displace any rail or other fixture attached to the track or switch or break any bridge or viaduct, or disturb trolley wires or their support or poles and guy-poles and guy-wires or feed or supply-wires, power-house or machinery therein, car-barns, or cars therein, owned and used by any interurban electric railroad company, or do any act whereby the motor or cars might be upset, arrested or thrown from the track of any such road, or of any switch or any branch or turn-out, or who shall willfully and maliciously destroy, or injure any dam, reservoir, or bank thereof, or shall destroy, injure or obstruct any pipe, water-main or course connected with such reservoir, shall be confined in the penitentiary not less than two nor more than ten years.

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